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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FLAKE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 20, 2012.

I hereby appoint the Honorable JEFF FLAKE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

REMEMBERING RICKY WRIGHT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. CONAWAY) for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise today to recognize a good and decent man, a loyal servant of Texas and my friend, Ricky Wright. Ricky Wright passed away Wednesday, August 1, after a tremendous battle with cancer. Words cannot adequately express the sorrow and disbelief that Susan and I feel, along with every member of our team, at these difficult times.

I met Ricky when I first started running for Congress, and since that time, Ricky has been at my side as a mentor, confidant, and a close friend. While Ricky was employed as my district director, he served the people of District 11.

This service to his neighbors was a task he lived every day. Ricky routinely logged hundreds of miles a week, drove to every corner of District 11. Through his work, he touched the lives of thousands of Texans. There was no problem in our district that was too small for his attention or too big for his talents.

During these travels, Ricky never once met a stranger. With his easy smile and open demeanor, Ricky would make everyone feel like they'd been his friend for a lifetime. But during all these travels and meetings, too many to count, he never forgot that his home was Comanche, Texas.

Comanche is ever much a part of Ricky as his fingers and his toes. It was the community he was raised in, the community that taught him the character and morals that would guide his life. Perhaps that is also where he inherited his stubborn streak. Ricky had a confidence in the possibilities that could be, in spite of the limited vision of those around him. You could see this in him every day as he quietly refused to yield to mediocrity or to compromise his principles.

It was his stubbornness that set Ricky apart from the crowd, and that's where I believe he was most comfortable, just a little further up the path, showing the rest of us the way. Today, Ricky is still just a little further up the path showing us the way as he showed us how he carried himself in the face of those deep difficulties toward the end of his life.

We'll remember Ricky as he would want to be remembered, a faithful friend, a tireless worker whose hopeful, idealistic, daring, and decent way of life inspired us all. To those of us who knew him and worked with him, he was like family, and his loss will be felt every time we gather together without him. He'll never be replaced or forgotten, and I ask you for your prayers for Ricky and his family and those of us who loved him.

I miss my friend.

STILL FIGHTING FOR THE RIGHT TO VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, there have been two struggles to make American democracy work. First was who would be eligible to vote. Originally, only those who were white, male, property owners over 21, voted, perhaps a quarter of the population.

More than three-quarters of a century later, having fought the civil war, African Americans were granted the franchise. It would be another two-thirds of a century before voting rights were extended to women.

Finally, in a battle that I was proud to be a part of as a college student, campaigning and testifying before Congress, we adopted the XXVI amendment, extending the voting rights to young people at age 18.

But there's always been another battle: Who amongst the theoretically eligible voters are actually able to cast their ballot and have it counted?

It's no secret the States in the Old South waged a brutal extra-legal war to prevent newly enfranchised African Americans from voting. The discrimination, intimidation and violence are well-chronicled; and it's why, almost a century after African Americans were given the legal right to vote, we still need the Voting Rights Act of 1965 to really give them the vote supposedly guaranteed under the Constitution.

Despite the Voting Rights Act, and two centuries of struggle, there's still

a battle today. Part of the Republican game plan for 2012 is to make voting difficult or impossible for some of the same groups who have long suffered discrimination, who are now seriously disadvantaged by new voter suppression laws that have been passed by Republicans in States like Ohio, Pennsylvania, and Florida.

Because voter fraud is a Federal offense, with serious legal consequences, even jail time, improperly cast ballots are virtually nonexistent in the United States. There are far more votes that are lost due to malfunctioning voting machines, mistakes and sleight-of-hand by local elected officials who are either inept or cheating than are all the cases that have been documented nationwide.

Texas has another effort to pass aggressive voter ID legislation, but they can find only five documented incidents of voter fraud in 13 million ballots cast in the last two elections.

In Pennsylvania, there have been fewer cases than you can count on your fingers, yet up to a million people may be denied the right to vote because of these legal changes.

Millions of poor, elderly, minority and student voters don't have passports or driver's licenses; some don't even have birth certificates. They may face the modern version of a poll tax, and that's unconscionable.

The media and courts are pushing back on some of the more outrageous behaviors, like Ohio's Secretary of State, John Husted, who was called out and forced to back down after he tried to limit early voting in counties with Democrats in the majority, while expanding them in Republican counties.

Come election day, the problems will still persist. There is a solution: pry partisan fingers off the controls of a varied election process. We shouldn't be treating the precious right to vote as a game where partisan advantage comes at the expense of our civil rights.

Oregon has been involved for 25 years with what is no longer an experiment but a display of a better way: vote by mail. Each registered voter in the Oregon is mailed a ballot to their residence 19 days before the election. They are given well over 400 hours to examine the ballot, make their decision on the issues and individuals, and return it by mail or in person.

Oregonians don't worry about people gaming voting machines, closing precincts early, having long lines for working people at the end of the day, or mysteriously running out of ballots at precincts that are likely to vote against you. In Oregon, there's no problem with illegal voting. Everybody has access to the ballot, and results are processed in a timely fashion.

It's shameful that, after more than two centuries of struggle for the right to vote, we're still playing games with people's opportunity to exercise that hard-won privilege upon which our democratic tradition rests.

I will be championing the Oregon solution of vote by mail to make the process simpler, more reliable, most important, fairer, while saving money in the process. I hope these blatant attempts at manipulation and discrimination backfire so that the next Congress and the administration are positioned to do something about it.

A country that prides itself as the oldest democracy deserves for the democratic process to work.

STILL NO FARM BILL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from South Dakota (Mrs. NOEM) for 5 minutes.

Mrs. NOEM. Mr. Speaker, this is the second-to-the-last day that we'll be here and be in session before we head home to our districts, and we still do not have a farm bill that gives certainty to our producers and our ranchers across the country. In a little over a week, the 2008 farm bill is going to expire.

While many of these programs will continue into the future for months ahead, we have an opportunity to actually save money and give other producers certainty as they begin planning for the coming years.

Last week, I sat down and I visited with Mike and Lori. They're producers from near the town of Huron, South Dakota. They raise corn, soybeans, and beef cattle. And this year was particularly difficult for them in light of the drought situation that producers in South Dakota were facing.

□ 1010

Thankfully, they had programs such as crop insurance that helped them manage their risk in such a difficult year. They wrote me a letter on the importance of the farm bill, and I want to read a portion of that letter to you:

We are experiencing a severe drought in our area this year. We put up half the hay that we normally do. Dugouts are starting to dry up, and crop yields will be down significantly. Crop insurance will be extremely important to offset lost crop production and lost revenue due to poor crop conditions. Crop insurance is a vital part of providing stability to our income and allowing us to stay a viable family farm dedicated to growing a safe, affordable food supply for a growing world.

They went on in their letter to describe exactly what this means to their family at home:

We have a 6-year-old son and a 4-year-old daughter. We tell them daily how important our jobs are as farmers, how we are truly feeding the world. They are taking true pride and ownership of that, and passing a good farm bill only helps stabilize their dreams, their futures—and ours.

A 5-year farm bill gives us the stability to plan ahead for our operation long term. With the limited time Congress has to pass a farm bill before the current one expires, I would encourage lawmakers to look to rural America and realize how much work we can get done in a week. We know that, if the farm bill is made a priority, there is still enough time to get one passed. Thank you again for your work, and we urge Congress to pass a farm bill now.

This past week, I was traveling through the middle of our State, in an area that has been hit particularly hard by the drought. I stopped at a truck stop and visited with many producers who were there filling up with fuel and getting supplies to head back out to the field. You see, right now in South Dakota, producers are planting a winter wheat crop, and they're having to make the decision: Do they put that crop into dry ground, or do they wait and see if they get a farm bill and crop insurance into the future so that they have the certainty to make sure that their risk is managed?

Many of those producers were electing not to plant. They were waiting to see if they could get rain and get a program that would actually keep their families in business. Some were putting it in the ground, showing that they truly are brave producers who have little faith that the skies will open up and that next year will be different.

I tell you that they and Mike and Lori and other producers across the State of South Dakota and across this country who have been particularly hit in these tough times are looking to us here in Congress to provide them certainty during this drought. The farm bill is one of the reasons that our family farmers are able to stay in business during tough years. Many other programs in the farm bill give them the stability and certainty, which, in turn, gives every American the certainty in having a reliable, affordable food supply.

I ran for Congress to bring more common sense to this place and to be an efficient and effective leader for South Dakota. We have an opportunity to get a farm bill done this year that provides a safety net and real reforms for our producers and cost savings for the taxpayers. While the clock hasn't run out yet, I think it is important that we get our work done on time, and I am disappointed that it hasn't been scheduled for a vote.

SEPT. 11, 2012.

Hon. KRISTI NOEM,
Cannon House Office Building,
Washington, DC.

DEAR REP. NOEM: Thank you for the opportunity to meet with you during our trip to Washington, D.C., to talk about passing the farm bill. My husband, Mike, and I are both third-generation farmers. We have a diversified crop and beef cattle operation 25 miles southwest of Huron, S.D., where we raise corn, soybeans and 250 head of cattle.

We are experiencing a severe drought in our area this year. We put up half the hay that we normally do, dugouts are starting to dry up and crop yields will be down significantly. Crop insurance will be extremely important to offset lost crop production and lost revenue due to poor crop conditions. Crop insurance is a vital part of providing stability to our income and allowing us to stay a viable family farm dedicated to growing a safe, affordable food supply for a growing world. We were fortunate to have utilized the EQIP Program to install two water

sources in two pastures to provide drinking water for our cattle which has been vital during this drought. We were also able to participate in the Stewardship Program through NRCS. Those conservation practices helped retain subsoil moisture which has been critical in the drought conditions we've faced.

We have a 6-year-old son and 4-year-old daughter. We tell them daily how important our jobs are as farmers, how we are truly feeding the world. They are taking true pride and ownership of that and passing a good farm bill only helps stabilize their dreams and ours.

A five-year farm bill gives us the stability to plan ahead for our operation long term. With the limited time Congress has to pass a farm bill before the current one expires, I would encourage lawmakers to look to rural America and realize how much work we can get done in a week. We know that if the farm bill is made a priority, there is enough time to get this bill passed. Thank you again for your work and we urge Congress to pass a farm bill now.

Sincerely,

MIKE AND LORI PESKEY,
Iroquois, S.D.

CREATE A STEM VISA PROGRAM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, today we will vote on a Republican proposal to provide green cards to certain immigrants and to cut the same number of green cards available to other legal immigrants.

How do we determine who gets more green cards and who gets fewer?

For my Republican friends, that's easy. They will provide more green cards to a very narrow number of immigrants they can tolerate—smart immigrants who have been educated in U.S. colleges and universities. They will make other legal immigrants—ones they can't tolerate—pay for that increase.

Meanwhile, Democrats have introduced bills that would also provide green cards to the immigrants who have been educated in U.S. colleges and universities. Our Democratic proposal, however, does not take green cards away from other deserving immigrants who want to come legally and contribute to this country.

On our side of the aisle, we respect all immigrants. Our bill recognizes the value of all of them to our economy and, indeed, to our future. We should not educate some of the world's most talented people in the STEM fields—that's science, technology, engineering, and math—and then send them away to work in foreign lands to compete against us.

Democrats strongly support providing these visas as a way of helping the U.S. economy and creating jobs, not just for the immigrants but for the U.S. workers they will employ and the economic activity they will generate. Democrats want progress. We want visas for STEM graduates. We will work in a bipartisan manner with Republicans to get it done. It's a smart policy, and it's a just policy. Let me be clear. There is no economic reason—no budget reason, no jobs reason—to punish other immigrants because we give out STEM visas. Absolutely none. Let me try to make it simple.

Let's pretend we're not talking about immigrants, because any time some of my Republican friends hear the word ''immigrants,'' they immediately want to punish someone. So let's say, instead of immigrants, we're talking about a family of three children, of three honest and hardworking children. One child wants to go to college to become an industrial engineer, and another wants to go to college to become a math professor. The third—a diligent, industrious child—doesn't want to go to college. Let's say he wants to start a landscaping business. He wants to work with the land and get his hands dirty.

The Republican plan is simple—to help the kids going to college and to cut the other kid off. He's out. Tough luck. He's not smart enough for this family. The Democratic plan is just as simple. We need scientists, engineers and mathematicians, but we need other workers, too—construction workers, machinists, chefs, entrepreneurs. We need immigrants from all over the world—from every continent, including Africa. Everyone who works hard helps our economy, so let's be helpful to everyone. That's the Democratic belief, but that's not the Republican plan today.

Maybe we shouldn't be surprised. After all, this proposal comes from a party whose Presidential nominee doesn't care about 47 percent of America. Call it the Mitt Romney deadbeat doctrine in which half of all Americans are freeloaders. Maybe that's all we need to know about this Republican plan. I suppose, in the Republican world, STEM visas are for the half of America that works, and the other visas are for the deadbeats that Mitt Romney doesn't care about—you know, the freeloaders like your parents on Social Security or your son or daughter with that student loan or the Pell Grant—or like my parents, who came from Puerto Rico with only an elementary school education, but who worked hard every day and put two kids through college and one of them in the Congress of the United States. Yes, those deadbeats. If my parents had needed visas to come to this country today under this new plan, they would never have gotten a chance.

We are changing the rules about who can—and more importantly—about who cannot come to America. So unless you view the world through Mitt Romney's ''us versus them'' vision of America, there is no reason to cut visas today. None. I want to stand up for the ZOE LOFGREN provision of immigration—the Democratic vision of immigration. We're not divided into a country where people who gather at a fancy country club and write $50,000 checks to political candidates are good and where the people who stand to run and serve them the food are bad. America is not half deadbeats. We are one America, and we have a chance to prove it today.

Democrats are offering a sensible plan that doesn't divide us. It values all work from all immigrants. It achieves our common goal of creating a STEM visa program, keeping more scientists and engineers right here in America, making us stronger. In Mitt Romney's world, if you help one person, you have to punish another. I think that's wrong. I urge my colleagues to pass a fair and sensible plan to create a STEM visa program, and let's do it without punishing a single person.

IN HONOR OF LIEUTENANT COLONEL CHRISTOPHER RAIBLE, A FALLEN SOLDIER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. This morning, I rise with a heavy heart, but on behalf of a grateful Nation, to honor a soldier born and raised in southwestern Pennsylvania, who gave his life on September 14 in service to our country.

This week, he returned to his home, the United States, where he will be laid to rest. Lieutenant Colonel Christopher Raible, commanding officer of Marine Attack Squadron 211, died in the assault on Camp Bastion, which is connected to the American-run base Camp Leatherneck, in Helmand Province, Afghanistan. It was a despicable attack by the Taliban that not only took the life of this dedicated, respected, and brave marine but that also resulted in the worst loss of U.S. military aircraft since the Vietnam war.

But this morning, I rise so my colleagues, my constituents at home in Westmoreland County, and the entire Nation will know more about this courageous marine known as ''Otis,'' who commanded a Marine Harrier jet squadron.

After graduating at the top of his class from Norwin High School, where he was a starting defensive back for the Knights, Lieutenant Colonel Raible earned his degree in civil engineering from Pittsburgh's prestigious Carnegie Mellon University. Following his college graduation, Raible joined the United States Marine Corps, and by 1998 had become a naval aviator. A natural leader, Raible rose to the rank of lieutenant colonel last summer, having received numerous military honors along the way, including a Meritorious Service Medal, 10 Strike-Flight awards, and a Navy and Marine Corps Commendation Medal, to name just a few.

In support of Operation Enduring Freedom and Operation Iraqi Freedom, Raible deployed many times to serve our Nation. Colonel Raible commanded the only Marine Harrier squadron in

Afghanistan in which he flew over 2,000 hours in Harrier aircraft.

□ 1020

A southwestern Pennsylvanian at heart, it should come as no surprise that Otis was known, while seated in the cockpit, to listen to the Steelers while flying in the skies over Iraq. But more than anything, Lieutenant Colonel Raible was a father, a husband, and a son; a proud dad of three children, ages 11, 9, and 2. Otis so loved and was loved by his family.

As his mother Belvina of North Huntingdon, Pennsylvania, said, her son died defending all that he held dear. ''He was the best of the best,'' she said. Indeed, Mrs. Raible, he was.

Today, we as a Nation say ''thank you'' to Lieutenant Colonel Raible and to his entire family. We're so grateful for your service and for your sacrifice protecting our freedom. Through your service, you have made your family and your Nation better. Through your sacrifice, you have made America stronger. Through your courage, you have made America proud.

Many times, I'm sure you soared above the clouds where you could touch the face of God. Now you rest in his loving arms for eternity. Thank you, Colonel. Our Nation thanks you, as well.

THE PUERTO RICO POLITICAL STATUS PLEBISCITE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. On November 6, the U.S. territory of Puerto Rico will hold a plebiscite on the island's political future. Voters will be asked if they want to continue the current status or to seek a new status. Voters will also be asked to express their preference among the three alternatives to the current status recognized as legally and politically viable by the Federal Government and international law: independence, nationhood in free association with the United States, and statehood.

This plebiscite is different from previous plebiscites in Puerto Rico. It will be the first time that island residents have an opportunity to answer ''yes'' or ''no'' to the question of whether they support the status that Puerto Rico has had since 1898. This question has inherent value in a democracy where a government's legitimacy is based on the consent of the governed. And this plebiscite will only include those status options identified as valid by Congress and the White House. True self-determination is a choice among options that can be implemented, not an exercise in wishful thinking.

If a majority of voters express satisfaction with the current status, Puerto Rico's status would not change at this time. Likewise, if there is majority support to change the current status but not majority support for one of the three alternatives, Puerto Rico's current status would also continue. However, if the majority votes against the status quo and in favor of statehood, free association, or independence, Congress and the President should take action that honors that choice.

Top Democratic and Republican leaders have indicated they will take the results of this plebiscite seriously. That is as it should be. The United States is the greatest democracy in history and a champion of peaceful self-determination around the world. Consistent with this principle, I am confident that Federal officials will respect the choice made by their Federal citizens from Puerto Rico if they express a clear desire to change the island status.

Now I want to speak directly to the men and women I represent in Congress. This plebiscite will have a real impact on you, your family, and the future of the island we love. It is important that you make your voice heard and your vote count.

It is well-known that I oppose the current status and advocate for statehood for Puerto Rico. Whether it is called ''territory,'' ''commonwealth,'' or ''colony,'' the current status denies us the most fundamental rights in a democracy: the right to choose the leaders who make our national laws, and the right to equal treatment under those laws. In my view, the current status is an affront to our dignity.

In my office hangs a framed photo of servicemembers from the island who have lost their lives since 2001. They're the latest in a long line of Puerto Rican patriots who have fought and fallen for this Nation. This photo inspires me, but it also makes me sad. I cannot understand how we, such a proud people, can voluntarily submit to a status that makes us second-class citizens in the country that we have defended for generations.

I realize that after nearly 115 years, the prospect of change can be unsettling, but I also know that there is nothing more powerful than an idea whose time has come. We deserve better than what we have, and the time has come for us to seek a new status that will empower us to realize our full potential.

Among the alternatives to the current status, I believe statehood is the right choice. Independence and free association are worthy options, but both would place at risk our U.S. citizenship and Federal support under programs like Medicare, Medicaid, and Social Security for future generations of Puerto Ricans. Because I believe the overwhelming majority of Puerto Ricans are opposed to breaking or substantially weakening the strong political, social, and economic bonds that have formed between Puerto Rico and the United States, I think the only viable alternative to the status quo is statehood. At this critical moment in history, we should aspire to perfect our union, not to sever it.

The current status is about second-class citizenship, which we should rise up to reject. Independence and free association are about separation, which would diminish the opportunities available to our children and grandchildren. Statehood is about equal treatment. It would deliver to Puerto Rico what all free people deserve: full voting rights, full self-government, and full equality under the law.

This November, I hope that the U.S. citizens of Puerto Rico will send a clear message to Congress that they're ready to make a change.

IN HONOR OF OFFICER BRADLEY FOX

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, I rise this morning to honor the life and memory of Pennsylvania Police Officer Bradley Fox.

Brad Fox was a 5-year veteran of the Plymouth Township Police Department in Montgomery County, Pennsylvania.

Having grown up in my home of Bucks County, Officer Fox graduated from William Tennent High School and went on to serve his country for 10 years in the United States Marine Corps.

A well-decorated soldier, Officer Fox received, among other accolades, the Navy and Marine Corps Achievement Medal, the Combat Action Ribbon, and the National Defense Service Medal.

Upon returning from his military service, Officer Fox joined his local police force in Montgomery County, where he built a life for himself, his wife, Lynsay, their daughter, and a second child who is on the way.

On the night of Thursday, September 13, the family, friends, and fellow officers of Brad Fox received the phone call they hoped would never come. Officer Fox was responding to a report of a hit-and-run in his suburban Philadelphia township. As he was investigating the incident, both Officer Fox and his canine companion were ambushed by the suspect and attacked, which left Officer Fox fatally wounded.

Yesterday afternoon, I attended the burial services for Officer Fox at the Washington Crossing National Cemetery in Bucks County. The show of support from the local law enforcement community and the people of southeastern Pennsylvania as a whole was inspiring and it was heartfelt.

To see that in such a short lifetime this father, husband, brother, son, veteran, and police officer had touched so many lives was a testament to the kind of person that Brad Fox was. He dedicated his entire life to service to his community and to his country and should serve as an example to every one of us.

Every day in Montgomery County and in Bucks County and in communities across this great Nation, law enforcement officers, firefighters, and

paramedics are working to preserve the public safety. These men and women wake up every morning and head to work not knowing what dangers they may encounter during their shift. The loss of Officer Brad Fox serves as a somber reminder of the risks our police officers face each and every day.

Here in our Nation's capital, just a few miles from where I stand at this very moment, is the National Law Enforcement Officers Memorial. Etched into this memorial are the names of countless men and women who gave their lives in service to their communities. Sadly, Officer Brad Fox will join that roll of honor.

Also carved on the memorial are quotes which capture the spirit of those honored there, including one from former President George H.W. Bush, which reads:

> Carved on these walls is the story of America, of a continuing quest to preserve both democracy and decency, and to protect a national treasure that we call the American Dream.

There can be no doubt that Officer Bradley Fox did his part in his quest to preserve the American Dream. Our country owes a debt of gratitude to Officer Fox and to his family for the sacrifice he made and they made to keep his community a safe place to work and to live and to raise a family.

□ 1030

A WORLD AT PEACE, FOR OUR GRANDCHILDREN AND THEIR GRANDCHILDREN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, in April of the year 2004, I rose in this Chamber to speak for 5 minutes about my conviction that the war in Iraq was a dangerous, immoral policy, and it was hurting America and our national security.

Since then, I've delivered a similar message nearly every day that it was possible when we were in session, and once the Iraq war finally drew to a close, I moved on to focus on the ongoing military occupation of Afghanistan, which soon will be in its 11th year, costing us more than 2,000 American lives and more than half a trillion dollars and counting.

Today is my 440th 5-minute Special Order calling for an end of these wars and the safe return of our troops to their families right here at home. I'm not proud of having reached that number. I would much prefer that the speeches were no longer necessary.

But since I'm retiring from the House at the end of this year, my 20th year in Congress, one of my biggest disappointments is that we haven't shown the leadership, the courage, and the resolve to finally secure peace.

We are still mired in this Afghanistan conflict, even though the evidence is overwhelming that it's doing more harm than good, even though it's emboldening terrorists and insurgents rather than defeating them, even though it's breeding resentment of America instead of winning hearts and minds. We are still mired in this conflict, even though a clear majority of the American people no longer want any part of it.

I will not return to the House in 2013, so this will be one of my final opportunities to press this point. But as long as our troops remain in harm's way, and as long as this dreadful policy continues, I will continue to speak out and speak up.

I know there are many proud and fearless opponents of this war on both sides of the aisle who will continue to lead this effort right here in Congress. Time and time again what I have advocated is not just an end to these wars, but the beginning of a new approach to combating terrorism and keeping America safe.

We need to lead with American cooperation and compassion around the world, not American weapons and brute force. We need SMART Security, a plan that puts the focus on development and diplomacy. We need a strategy that gives people hope and improves their lives instead of invading and occupying their lands.

This is not only the humane approach, Mr. Speaker, it's also the more pragmatic one, the one that will truly advance our national security goals, and it's a lot more cost-effective. Helping people costs pennies on the dollar compared to waging war. A lot of people have said to me over the years, WOOLSEY, your problem is that you think we can have a perfect world. Well, consider me guilty as charged.

I don't believe there is anything wrong with idealism and ambitious goals because I'm absolutely certain that if we don't strive for a perfect world, we won't ever come close to providing a safe, secure, and peaceful world for our grandchildren and their grandchildren, and that's our job here in Congress.

ENERGY CLOSURES AND LAYOFFS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this week another American energy-producing company announced plant closures and worker layoffs, citing the Obama administration's authoritarian regulatory regime in part as a rationale for its decision.

Yesterday Alpha Natural Resources announced closures of eight coal mines in three States, one of which is located in the Fifth Congressional District of Pennsylvania, which I'm proud to represent. Company officials, in announcing the closures, cited ''a regulatory environment that's aggressively aimed at constraining the use of coal.''

The decision will result in layoffs of 1,200 workers and an immediate 400 jobs lost in Virginia, West Virginia, and Pennsylvania.

The fact that the coal industry is facing tough times isn't news. They have other energy competitors, including natural gas, and challenges with coal transport costs, energy, and labor costs. The issue that's newsworthy is the additional burden being placed on American employers during such difficult and tough economic times.

The administration's announced intentions to eliminate coal, our most abundant natural resource, from our fuel mix, with no clear plan to replace it with any effective alternative, has taken a significant toll on employers and individuals across my home State.

Here are several news headlines of closures and layoffs in my home district from the past several months:

September 18 headline: ''Alpha Natural Resources closing eight coal mines.'' Twelve hundred companywide layoffs and an immediate 400 jobs cut in Virginia, West Virginia, and my home State of Pennsylvania.

August 30 headline: ''Another round of Joy workers laid off,'' The Derrick:

> In August, Joy Mining Manufacturing in Franklin, Venango County, Pennsylvania, posted another round of employee layoffs, and 43 employees were notified they had been furloughed from their jobs. The week before that, 19 others were laid out. Joy Mining is the largest private-sector employer in Venango County.

February 9 headline: ''Local Officials Respond to Shawville Power Plant Closure'':

> GenOn Energy has about 80 employees at its plant in Shawville, Clearfield County, and contributes roughly $225,000 dollars annually in local taxes. GenOn offers jobs not only through its plant but through Amphfire coal and trucking firms, which means a loss of 100 to 200 workers in it is next several years.

January 26 headline: ''FirstEnergy Shutting Down 6 Sites in Ohio, Pennsylvania, and Maryland'':

> In January, FirstEnergy announced that the new environmental regulations led to a decision to shut down six older coal-fired power plants in Ohio, Pennsylvania, and Maryland, affecting more than 500 employees.

Coal operations are closing, forcing more workers into unemployment as countless indirect coal jobs have been put at risk because of the President's unwavering commitment to end coal. Our most abundant natural resource is a source of domestic energy.

In the aftermath of all these closures and job losses in my district, along with numerous across my State and the country, it is becoming increasingly clear that this administration expects the consumers of Pennsylvania to bear the costs of a poorly thought out, poorly defined, and poorly explained environmental agenda.

But it's not just a war on coal, it's a war on electricity and jobs. The shuttering of a record number of coal-fired power plants threatens thousands of

the 555,270 direct and indirect coal-related jobs that help supply America with nearly half of its generated electricity and pay $36 billion in wages.

The nonpartisan U.S. Energy Information Administration has all but confirmed the President's aggressive push against coal development with a report detailing a record number of coal-fired power plants to be closed this year, largely because of the burdensome regulations and other compliance costs. That's why this week the U.S. House will pass H.R. 3049, to push back on the President's commitment to end coal as a source of domestic energy and protect the countless jobs that have been lost or put at risk as a result of his politics.

H.R. 3049 includes the following package of bills: The Coal Miner Employment and Domestic Energy Infrastructure Protection Act, which bars the Environmental Protection Agency from issuing any regulation before December 31, 2013, that would adversely affect coal mining employment.

The Coal Residuals Reuse and Management Act, which establishes State-level permitting programs for the storage of coal combustion residuals under the Solid Waste Disposal Act, which is now primarily used to regulate the management of municipal solid waste landfills and sewage landed fills.

□ 1040

The Energy Tax Prevention Act, which prevents the EPA from regulating greenhouse gases and any effort to address climate change.

The Clean Water Cooperative Federalism Act, which prohibits the EPA from issuing a new or revised water quality standard when a State standard has already been approved by the EPA.

The Transparency in Regulatory Analysis of Impacts on the Nation Act, or the TRAIN Act, which creates an interagency committee to examine the effects of current and proposed Federal regulations on U.S. energy and manufacturing industries, U.S. global competitiveness, U.S. and energy prices.

Again, it's not just a war on coal; it's a war on the use of carbon-based fuels—coal, oil, natural gas—which supply over 80 percent of our energy.

CONDEMNING VIOLENCE AGAINST SIKH COMMUNITY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. CHU) for 5 minutes.

Ms. CHU. I rise today as a proud cosponsor of House Resolution 785, condemning the hate crimes, bullying, and brutal violence perpetrated against Sikh Americans and all acts of violence against Sikh Gurdwaras in the United States. In the face of unrelenting and unprovoked violence, it is clear that action must be taken.

The Sikh community has a long history of contributing to this Nation. Sikh farmers shaped California's agriculture industry, farming a third of the land and providing nature's bounty for others to enjoy. The very first Asian American to be elected to the U.S. Congress was a Sikh American, Dalip Singh Saund, elected in California in 1957. And Sikh temples all across the country have shown their beautiful spirit by giving free food, called langar, to everybody in the neighborhood who is hungry. And yet time and time again we see the good deeds of Sikh Americans met with undue violence from others. And in the wake of 9/11, this behavior spiked sharply. Just days after the attacks took place—as the soot still lingered over Manhattan and smoke still smoldered from a field in Pennsylvania—Balbir Singh Sodhi became the first victim of misplaced retaliation. He was in the gas station he had worked his entire life to own when a gunman shot at him and took his life.

Through the years the violence has not abated. Last year, in northern California, Surinder Singh and Gurmej Atwal, two elderly Sikh Americans, were doing what they always did every afternoon, taking a walk in the neighborhood, when suddenly they were shot. They were murdered in cold blood, but not for money or jealousy or revenge. They were murdered because of their turbans. And then there were the overwhelmingly shocking events of August 5 of this year in Oak Creek, Wisconsin. The Sikh community was peacefully preparing meals for Sunday prayer inside their gurdwara. But that peace was shattered without warning at the hands of a gunman filled with hate and rage. He fired indiscriminately and without cause, and when the smoke cleared, six innocent people lay dead. Although it has been more than a decade since 9/11, hysteria and stereotyping are still far too common. We must combat the growing wave of violence and intolerance that threatens the safety and civil liberties of the Sikh American community.

Today, while the FBI tracks the overall number of hate crimes taking place, it doesn't even record attacks specifically on Sikhs, despite the fact that we've seen over and over again that Sikhs are singled out over and over again because of their appearance and faith. That's why this resolution not only denounces the violence befalling this community; we're calling on the Department of Justice to finally begin documenting and quantifying hate crimes committed against Sikh Americans. As many as three out of four Sikh boys endure torment and bullying from their peers. And so we're urging educators across the Nation to help end the epidemic of bullying against Sikh youths. We're urging law enforcement officers in every locality to do all they can to prevent violence against this and all communities.

America was founded on the principles of religious freedom, acceptance, and tolerance. Let's make sure that every American can live safely and in peace. Let's make sure that every American is protected.

TIME TO RETHINK OUR FOREIGN AID

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Over the last week, we have watched as anti-American groups throughout the world have killed Americans, attacked our embassies, had protests, burned the American flag, and destroyed our property in many parts of the world. These events and events that have preceded them bring up that question again that these countries that we give aid to seem to be countries where there is violence against America. So I want to spend a few minutes talking about the aid Americans, when they write that check to the government, our government, spend all over the world.

This is a map of countries in the world that the United States of America taxpayers give assistance to worldwide. You'll see there are three colors. The red are colors that the United States gives foreign aid to. And you can see that's most of the countries in the world—and it is most of the countries. There are 191 countries in the world. Sometimes there are 193, depending on whether those last two are really countries or not. And American taxpayers give money to 158 of them. So you see those that are in the red. The green represents countries that we give military aid to. And the few little blue countries—a couple in Europe, a couple in Africa—those are countries we don't give any money to. By far, the minority. So you see the massive world as we know it, American money goes to most of it.

Now you notice over here there's a red block in this part of the world. And I'm sure, Mr. Speaker, you would recognize this massive country here. That's Russia. Yes, American aid goes to Russia. And did you know even though China controls so much of our debt, American money, yes, goes to China as well.

So maybe we need to rethink how we do this. With all the problems we've got in the United States, the taxpayers are writing checks for countries throughout the world. And here's how we vote on foreign aid. And I suspect the Senate does it the same way. We put all the countries in a list and in a bill and the State Department usually submits an amount of money they would like us to give to this country. And then this House votes ''up'' or ''down'' on all 158 countries.

Now maybe we ought to do business a little better. Maybe we should vote country by country. Some say, Oh, it'll take too long. Hey, we're talking about American money here. It wouldn't take very long at all. I think that if we voted ''up'' or ''down'' country per country, most of these countries are not going to get any aid from the United States in a bipartisan way. Of course, probably Israel would. And 80 percent of the money given to Israel is spent back in the United States. I

think most Members support Israel. Maybe one or two other countries.

Let's vote ''up'' or ''down'' country by country. And some of these countries that we've had unrest in in the last couple of weeks—like Libya, like Egypt—maybe we need to reevaluate the money we send to them. At the very least, what we ought to do in countries like Libya and Egypt, and in some of these other countries that are destroying American property as we speak, who have looted, pillaged, and destroyed our embassies, like in Egypt, the money that we're going to give them in aid, take a portion of it out to help rebuild the embassies that are in that country and pay for the property damage, and probably even take money out we've given to Libya and pay reparations to the four Americans that were killed in Libya.

Let's use some common sense when we're spending money overseas. And maybe we shouldn't be trying to go all over the world and play nice with people. We've had a foreign aid problem since before I was born. We continue to give money to countries in the hope that they will like us. Well, how's that working for you? Not too good, is the way that I see it.

Mr. Speaker, we don't need to continue to support countries like Pakistan. I'm astonished we will still give money to Pakistan. They harbored Osama bin Laden. They put in prison the informant that told us where he was hiding. I believe some of the money we give Pakistan ends up in the hands of the Taliban and corrupt military government. But yet we keep paying them.

This summer the House did vote to cut $625 million from Pakistan. But yet when the CR came through last week—the continuing resolution—that money is back in, going to Pakistan. Pakistan is just one of many examples, Mr. Speaker. We don't need to pay these countries to hate us. We don't need to pay them to betray us. They will do it for free.

And that's just the way it is.

□ 1050

VOTER DISENFRANCHISEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. GRIJALVA) for 5 minutes.

Mr. GRIJALVA. Mr. Speaker, this week marks the United States Constitution's 225th anniversary.

Our Constitution is a product of realistic compromise and intelligent consensus—a trait, I might add, sorely missing in this Chamber.

It lays out the central principles for a democratic government and the rights that citizens can expect to enjoy in that government. With the inclusion of six voting rights amendments, we have formed a more solid democracy.

The voting rights amendments fundamentally changed our system of government—outlawing poll taxes in Federal elections, giving ordinary Americans the right to elect their Senators, allowing the citizens of our Nation's Capital to vote for President, and guaranteeing that all Americans—regardless of race, religion, gender, or age—would enjoy these protections.

With these protections and these amendments, we affirmed the inherent values of our Constitution and our democracy.

The right to vote is still, to this day, the essential piece of our democracy.

Think about it. To deny an eligible voter the opportunity to vote is to undermine the very freedom that defines us as a Nation. The right to vote is essential to our democracy.

However, while the marches of student demonstrators and religious leaders once drove electoral reform in the United States, a new and dark movement is sweeping across the country. State lawmakers have been pushed by corporate interests and driven by a cynical point of view that says: We must deny other people the right to vote in order to continue to keep our power, and we must target those groups and individuals who may not agree with our point of view. With this cynical selective process, we keep power and we only concentrate on the people and extend the privileges to those that agree with our point of view.

New voter laws that are now being proposed and have passed in State legislatures make voter registration more difficult and cumbersome, cut the availability of early voting, and require voters to present current government-issued identifications as a prerequisite to casting a ballot. These efforts threaten the integrity of our democratic system and are very clearly targeted.

The new restrictions on voting would disproportionately burden African Americans, Latinos, Asian Americans, young voters, and Americans new to the political process.

Plain and simple, these restrictive voter laws threaten to disenfranchise young, poor, minority, and elderly voters who lack formal government-issued IDs despite the fact that it is more likely that an American will be struck and killed by lightning than he would impersonate another voter at the polls. We know exactly what these voter suppression laws mean.

In Texas, a Federal court recently found that the Texas voter ID law violated the Voting Rights Act because it made it harder for African Americans and Latinos to vote. The court stated that evidence conclusively shows that the cost of obtaining a qualified ID will fall more heavily on the poor, and a disproportionate number of African Americans and Latinos in Texas live in poverty.

In Pennsylvania, a July 5 Philadelphia Inquirer article reported that 758,000 registered voters in Pennsylvania do not have an ID, a new State law requirement for voting. That figure represents 9.2 percent of the State's voters that could be stopped from voting.

A report by the Brennan Center for Justice found that allegations of widespread voter fraud often proved greatly exaggerated. Moreover, these claims of voter fraud are frequently used to justify policies that do not solve the alleged wrongs but could well disenfranchise legitimate voters.

In some States, veterans' ID cards won't be sufficient as a photo ID to vote.

In the last 12 months in my State of Arizona, there has been an accelerated effort to suppress the vote. These new efforts represent a coordinated effort clearly designed to suppress the vote of those people who need to make sure that their government is paying attention to their needs.

People of color, women, young people literally risked, and some lost, their lives to gain the right to vote in this Nation of ours. Throughout its history, our country has tried to remove obstacles to voter participation, making the right to vote accessible to all eligible citizens.

We cannot turn our back on that fundamental right. Our legacy as a Nation demands better of us.

SUICIDE PREVENTION MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. AUSTRIA) for 5 minutes.

Mr. AUSTRIA. Mr. Speaker, thank you for this opportunity to publicly recognize September as Suicide Prevention Month.

As a member of the Military Mental Health and Suicide Prevention Caucus, my goal is to increase awareness and aid in the prevention of suicide.

Although suicide affects thousands of Americans each year, I would like to take a moment to focus specifically on our veterans and the men and women who are currently serving in our United States military.

Suicides are increasing at an alarming rate this year for our soldiers, sailors, airmen, and marines. Recent data shows that suicides are occurring at a rate of approximately one per day for the military. This makes suicide the second-leading cause of death for our troops, surpassed only by combat.

The Army, in particular, has seen a 22 percent suicide increase when comparing the first 7 months in both 2011 and 2012.

But these are not just numbers and statistics. These are real soldiers and real families impacted by this growing tragedy.

This increase became very personal for me again last weekend when I attended a memorial dedication for Lance Corporal Bobby Wiley. Lance Corporal Wiley was a Lima Company marine and the son of my classmate and friend. As a result of Bobby's death, a loving family and Nation grieve with loss.

On behalf of Bobby and his family, I stand before you today to briefly discuss this growing trend and associated symptoms, as well as highlight prevention efforts within my district and nationwide by both the Departments of Defense and Veterans Affairs.

More than 2 million troops have served in the wars in Iraq and Afghanistan, and that's a lot of people who have seen war up close and personal. It can affect some of them adversely when they come back home.

In fiscal year 2009 alone, 1,868 veterans of these wars made suicide attempts.

Faced with the stigma of post-traumatic stress disorder, unemployment rates tipping 12 percent for our veterans, and a loss of the military camaraderie, many veterans report feeling purposeless upon returning home.

We are aware of three conditions that contribute to many of the suicides of our veterans, and they are post-traumatic stress disorder, PTSD; traumatic brain injury, TBI; and depression. We know that veterans with these three medical conditions are at a higher risk of succumbing to suicide behavior.

As friends and family members of our veterans and those serving our country, there are some things that we can do: first, recognize the symptoms that could lead to serious problems; understand where and how to get assistance while still part of the military; and know the availability of treatment after service.

As members of the Veterans' Affairs Subcommittee, my colleagues and I on both sides of the aisle have had the opportunity to meet and discuss some of these very important issues, and I'm pleased with Secretary of the VA Shinseki's recent outreach efforts such as Stand By Them and Side By Side.

The purpose of the joint DOD and VA Stand By Them campaign and public service announcement, Side By Side, is to increase awareness with focus on support networks for military members.

Detection and treatment are key components required for resolution. Those closest to the military member can often see signals of distress before the member recognizes it himself or herself. The quicker the detection, the quicker the treatment.

Yesterday, I joined back in my home district Director Costie and Dr. Napp at the Dayton VA Medical Center to bring awareness to Suicide Prevention Month. With a large geographic span of responsibility in my district, the Dayton VA Medical Center provides services to veterans from 16 counties.

□ 1100

During the joint press conference at the VA, we announced the ongoing efforts and helped in the promotion of the VA and DOD programs. I know communities across our Nation are doing similar awareness and education programs.

As our young men and women are fighting to protect our freedoms, while they're often faced with multiple and lengthy employments, exposed to stressful situations in combat—including death—we cannot look the other way and hope that these issues disappear. The reality is we are faced with a growing number of PTSD, TBI, depression, and suicide within our military and veterans. This is a real problem. And if we can alleviate one of the symptoms and causes of suicide, PTSD, we may see a change in the current trendline before the problem becomes completely systemic across our fighting force.

Let me just say, as members of the grateful communities to which our brave men and women return, we need to do whatever is possible to recognize these veterans at risk and help them get the assistance they need.

NEW MEXICO CENTENNIAL RESOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. LUJÁN) for 5 minutes.

Mr. LUJÁN. Mr. Speaker, I rise today to celebrate a proud milestone in the history of the great State of New Mexico. This year marks the centennial anniversary of the ''Land of Enchantment.''

Filmmakers have spent years documenting the history and beauty of New Mexico, sharing the importance of our acequias, stories of history and tradition in ''Canes of Power,'' stories and tales told by Rudolfo Anaya, and art and landscapes captured by Georgia O'Keefe.

New Mexico has a long and rich heritage that is rooted in the shared history of a diverse population, a history that respects diversity and language, a land whose State constitution was drafted and adopted in both English and Spanish. And while Santa Fe, the City of Faith, holds the distinction as the oldest capital city in the country, celebrating 400 years last year, statehood came later in 1912, when a territory known for its beautiful scenery, natural wonders, and pristine landscapes was admitted into the Union as the 47th State.

New Mexico is blessed with rich cultural landmarks: Chaco Canyon, Bandelier, the Taos Gorge and Blue Lake, and the Plaza in Santa Fe. Thousands of visitors each year travel to learn of the unique traditions and spirit that make New Mexico such a special place with blue skies, sunsets and sunrises and starry nights you won't find anywhere else in the world.

The Land of Enchantment is home to a diverse population that can trace its roots back to Spanish, Mexican, and Native American cultures, amongst others. As home to one of the richest indigenous tribal populations in the United States, New Mexico is proud of the influences and contributions of the 19 Pueblo Nations, two Apache Nations, and the Navajo Nation. These diverse cultures coming together to share a common bond of calling New Mexico home has served as a source of strength for our State, as the influence of art, agriculture, and architecture can be felt to this very day.

During the past 100 years, New Mexico has had a proud tradition of service to our country. In World War II, Navajo Code Talkers contributed to victory for the Allied Forces, while many native sons of New Mexico sacrificed in the Battle of Bataan. In the Korean Cold War, Hiroshi Miyamura of Gallup was awarded the Medal of Honor for his distinguished service. Most recently, Santa Fe native Sergeant Leroy Petry earned the Medal of Honor for his courageous actions in the face of great danger in Afghanistan. And in every war in between, New Mexicans have proudly defended our Nation and answered the call of duty when they were needed most.

New Mexico has also served our Nation as a center for scientific innovation and research. Los Alamos and Sandia National Laboratories have been home to a number of scientific endeavors that have been important priorities for our Nation.

Mr. Speaker, as New Mexico celebrates 100 years of statehood, we're reminded of how special this beautiful land we call home is. As a native New Mexican, it is with great pride in our past and hope for our future that I come to this floor to recognize the enduring contributions of New Mexicans during the course of our State's history.

A special love for our land and water helps shape our lives. A land of faith and family, culture and tradition—and, Mr. Speaker, the best chili found anywhere in the world—ours is a special story, an American story, one passed from one generation to the next, with our most precious lessons coming from our elders: our parents and our grandparents. In the words of my parents, Ben and Carmen, when they send me off on any journey when I depart from home: Y que Dios les bendigan—may God bless you.

SEQUESTRATION TRANSPARENCY ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oregon (Ms. BONAMICI) for 5 minutes.

Ms. BONAMICI. Mr. Speaker, during the month of August, I had held several town hall meetings throughout my district in Oregon. In these meetings, I've done a summary of the work that we're doing here in Congress and then opened the floor for questions from and discussions with my constituents.

Without fail, in every town hall meeting at least one person would ask about the partisan rancor and the gridlock that's come to characterize Washington. They would ask me: Can you tell us something that's bipartisan that you've done, something where you've worked together, some achievement that everyone's agreed on.

Now, in responding to them, I've often discussed a piece of legislation that's very important to the debate on budget priorities and the so-called ''fiscal cliff''; that's the Sequestration Transparency Act. This bill passed the Budget Committee by voice vote and was later approved in the House, with only two in opposition. After the Senate passed it with unanimous consent, the President signed it into law. So this was truly a bipartisan effort, a statement by almost every one of us working together that we're concerned about the impact that sequestration might have on our constituents, and an effort to get more information about the true harm that that sequestration will cause.

Now, following the administration's recent report detailing those cuts that would come under sequestration, I am even more concerned than before, and my constituents are concerned. And I know constituents all across this country are concerned as well. Mr. Speaker, there is bipartisan concern about the impact that sequestration might have, and yet we haven't been able to come to a bipartisan consensus to avoid it.

We've identified a problem; now we must identify a solution. This should be a balanced solution, working together, and I look forward to working with all of my colleagues on both sides of the aisle to arrive at that solution. It's a solution for my district in Oregon, for all of the great State, and, importantly, for all of this great Nation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 8 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Rabbi Steven Weil, Orthodox Union, New York, New York, offered the following prayer:

Master of the Universe, today we stand before You in this hallowed Hall, grateful for the freedoms we have been granted here, grateful for the men and women in this room who You imbued with wisdom and blessed with the courage to make the difficult decisions that will impact the destiny of all humanity.

Allow the Members of Congress to be Your partners in making a more perfect world, and grant them the insight and the vision to always be mindful of the responsibilities they bear. We implore You to guide and strengthen them so that they can do what must be done to save the world from those who wish to perpetrate terrorism and evil.

Dear God, enable them to do what must be done to plant the seeds for a brighter and more prosperous economic future. Dear God, support them in providing our children with a strong education to meet the challenges of tomorrow. Thank You for giving us such wonderful shepherds and allowing us to be their cherished flock.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

VOICE OF TEXAS: ELIZABETH FROM HOUSTON, TEXAS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Elizabeth from Houston wrote me this about her business:

My immigrant parents came to the United States legally. They had to learn English. My dad worked very hard. He opened several bars and restaurants, hired wait staff, cooks, bartenders, and cleaning people. There was never a dime of government assistance. Hard work, long hours, and sleepless nights were the norm for all of us. I learned their work ethic early, and I also have worked very hard for my family. No welfare, no government handouts.

This is my country, and I love this country as much as my parents did. But I do not respect the current President or his administration. They want to be in charge of all of us, from cradle to grave. That is not the American way. That is exactly what my parents and grandparents fled from. Please take us back to the right way.

Mr. Speaker, Elizabeth's family did it the right way—and without Big Government getting in the way. They built their American Dream all on their own.

And that's just the way it is.

ALL THE APPEARANCES OF A SWINDLE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Did Peabody Energy Company deliberately unload a bad investment on public power organizations serving 217 cities and villages across the Midwest? Congress must find out because Peabody Energy lured public power organizations into contracts that forced municipal utilities to pay up to twice the market rate for electricity. At a time when private funding could not be had for new coal-fired utilities, Peabody Energy unloaded 95 percent of its investment onto public power customers in what became an almost triple cost overrun, with a coal mine that lasts 22 years, instead of 30 years as promised, and an ashfill that was supposed to last 23 years, and will last only 12 to 14 years.

The contract which municipals are tied into forces them to pay for power 42 percent above the market rate, whether the plant is producing energy or not. Billions of dollars were issued for bond financing for the project, and utility customers are vulnerable to huge costs for debt retirement. Wall Street wouldn't invest in the project, so Peabody went to Main Street, and now millions of public power customers will pay sky-high electric rates in what has all the appearances of a swindle.

SEQUESTRATION TRANSPARENCY REPORT SHOWS LACK OF LEADERSHIP

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Friday, the administration released a report on how the President plans to implement the $600 billion defense sequester, threatening servicemembers, military families, and veterans. Politico explained it ''shed little new light on the sword of Damocles.'' This report, required by the passage of the Sequestration Transparency Act, arrived 1 week late, confirming that the President and the liberal-controlled Senate have refused to take sequestration as a top priority.

Today, the House Armed Services Committee held a hearing to receive testimony from key government officials who will implement sequestration. Based upon the minimal information provided, it's clear the administration has not made appropriate plans for the drastic budget cuts, even though the White House is responsible for proposing the disastrous proposal. House Republicans have voted five times, led by Chairman BUCK MCKEON, to replace sequestration with commonsense reforms to avoid the threat to national security or destroying jobs. I urge the President and the Senate to begin working with the House before it's too late.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

UNFINISHED BUSINESS IN THIS CONGRESS

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, the great Hall of Fame Coach Vince Lombardi once said that ''Winners never quit, and quitters never win.''

I was reminded of that quote when the House Republican leadership announced last Friday that they are canceling all session days for the month of October, despite the fact that we have an unfinished farm bill, postal reform bill, Violence Against Women Act, the Cybersecurity Act, we have a fiscal cliff looming for middle class families on January 1, and a sequestration on January 2.

It is true there are passionate differences between the two sides about how we resolve these problems, but you don't resolve it by going home for 7 weeks. As Coach Lombardi said: ''Winners never quit, and quitters never win.''

The American people deserve better than a 7-week recess with these challenges facing the American people. It's time for this leadership of this House to cancel their order and get back to work and solve the problems of our Nation.

GOODLETTSVILLE LITTLE LEAGUE BASEBALL TEAM

(Mrs. BLACK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACK. From a small town in middle Tennessee, 13 young men recently became the 2012 Little League World Series U.S. Champions. These All-Stars from Goodlettsville, Tennessee, played with sportsmanship and talent beyond their years. In the U.S. championship game, Goodlettsville racked up 21 runs to become the first Tennessee team in history to clinch a U.S. title. This achievement is a testimony to their dedication and perseverance—qualities that will serve them well throughout their life.

They have made their hometown, their parents, their coaches, and their Congressman very proud. I am confident that this achievement is just the beginning of more great things to come from each of them.

Congratulations, boys.

CONSTITUTION WEEK/VOTER SUPPRESSION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I would like to say that my team came in second to Tennessee. Tennessee was the only team that beat them—but beat them twice. They did a stand-up job. So did our kids in Petaluma.

Mr. Speaker, on Monday, I took part in a moving naturalization ceremony as 50 new people from 20 different countries took the oath that made them Americans—225 years to the day that the Founders signed the U.S. Constitution.

Mr. Speaker, there's no constitutional right more precious than the right of self-governance. These new Americans were excited for the very opportunity to vote in this upcoming election. That's why we should do everything possible to ensure that every eligible American can do just that. Unfortunately, several States are throwing up barriers to voter participation, restricting ballot access to silence peoples' voices.

Mr. Speaker, guess who is disenfranchised by strict photo ID requirements and the like? It's not Republicans. It's communities of color and low-income families.

□ 1210

WSU SALUTES

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, Weber State University is honoring people, and I wish to mention four individuals who are being honored by the university.

State Representative Gage Froerer and State Senator Scott Jenkins will be receiving the Shurtliff Award for contributions to education. Both of them have done much for their particular communities, as well as Weber State and their outreach campus in Davis County.

Receiving the prestigious President's Award will be Nolan Karras, a cum laude graduate from Weber State who also served as speaker of the house in Utah and was instrumental in Weber State attaining the status of university level.

In addition to that, he has benefited the community as well as the education system in Utah ever since by being on the board of regents in Utah.

The second nominee will also be one who has been called one of the brightest minds in Utah politics, Spencer Stokes, a 1995 graduate from Weber State who has done much in his community as the commissioner as well as an advocate, and who's also, I have to admit, gone over to the dark side and is a staffer for the Senate right now as the chief of staff for a Utah Senator, but we will forgive him for that.

These four individuals have done much for the community, done much for their common county, Weber County, and the State of Utah, and are really deserving, very deserving of these honors they are being given by Weber State University today, and I wish to honor them as well.

DO-NOTHING CONGRESS

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, at the end of what Republicans consider to be a grueling work week consisting of 2½ whole days, Republicans are heading home once again to take the next 2 months off.

The Republican-led ''Do-Nothing Congress'' was in session for a grand total of 8 days this month, and it took 5 weeks off before that.

During their time here in Washington, Republicans made sure to vote to end Medicare as we know it, increase costs for seniors, and give tax breaks to millionaires and companies that ship jobs overseas.

But on addressing the ongoing jobs crisis in this country, they did nothing. On providing tax cuts for the middle class and small business, they did nothing. On working towards a bipartisan solution to the looming fiscal cliff, they left the American people hanging by continuing to do nothing.

The hardworking men and women who call this country home deserve so much better. They certainly deserve better than nothing.

STEM JOBS ACT OF 2012

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today in support of H.R. 6429, the STEM Jobs Act of 2012. This pro-growth, pro-jobs legislation will create a smarter and more focused immigration system for our country by prioritizing new immigrant visas for the best and brightest foreign students of American universities in the science, technology, engineering, and math fields.

These fields are the fastest-growing segments of our economy, and retention of these highly skilled American-trained innovators is critical to future economic growth in our country.

Rather than giving the boot to students who are American-educated at our best universities, like the University of Kansas, in these advanced fields of study, we should work together to ensure these bright minds can stay here and continue helping to boost our goal of competitiveness rather than returning to their home nation to work against us.

Mr. Speaker, by working together in bipartisan fashion to prioritize these students in our national immigration policy, we can boost job creation and improve our economy by allowing the U.S. to retain some of the best and brightest minds.

PORT INFRASTRUCTURE

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, this week, The Washington Post reported that unless America doubles its spending on port infrastructure, we are on track for export losses of $270 billion by 2020 because our ports do not have sufficient capacity. That translates into a $697 billion drop in the American economy and a loss of 738,000 jobs.

But ports are not the only area where our anemic infrastructure investment has become a drag on the American economy. We will lose hundreds of billions of dollars of growth over the next 5 years because of our inability to move goods and people efficiently.

Congress just passed a bill to spend $52 billion on roads and bridges in this country, all we can afford according to some Members of Congress. But somehow we found money to spend $150 billion rebuilding the roads and bridges of Iraq and Afghanistan.

I have introduced a bill, a 5-year, $1.2 trillion investment in roads and bridges, ports, and transit airports because it's time to do nation-building right here at home.

NEW MEXICO

(Mr. PEARCE asked and was given permission to address the House for 1 minute.)

Mr. PEARCE. Mr. Speaker, New Mexico is celebrating its centennial this year, 100 years as a State. It's not one of the oldest States, but it's one of the richest in diversity, history, and cooperation, home to 19 individual pueblos, two Apache Indian tribes, numerous Navajo chapters.

The Spanish came north out of Mexico in the 16th century looking for the seven cities of gold. We're still looking for those today. We did find black gold under the east side of the State and in the northwest corner.

New Mexico is home to an agriculture industry that is second to none. It shows the earliest existence of humans there. Clovis Man is named for a town in the east side of New Mexico where they were discovered.

Santa Fe is the oldest capital in America, formed in 1610.

But that's not where the richness of New Mexico is. It is in our traditions, traditions of hard work, traditions of faith, family, freedom, and service to others. Those are the values I learned when my parents came to New Mexico. They went broke in Texas, came to New Mexico, and built a family there. That's the richness of New Mexico.

Mr. Speaker, I commend New Mexico on its 100 years.

CAMP ASHRAF AND CAMP LIBERTY

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, last month I joined 78 bipartisan Members of Congress in asking Secretary of State Clinton to ensure that Iraq meets its obligations and protects the 3,400 Iranian dissidents living in Camp Ashraf and Camp Liberty.

Residents of Camp Liberty are members of the MEK.

In recent days, another 680 Ashraf residents have been relocated to Camp Liberty under a resettlement plan backed by the United States. It is important that we support these residents as they seek to liquidate tens of millions of dollars of their assets left behind at Camp Ashraf.

A major problem of the relocation plan is that as long as the MEK remains on the U.S. list of foreign terrorist organizations, its members at Liberty will not be able to find countries which accept them.

The Department of State is currently under court order to make its decision on the MEK case by October 1, 2012. It is my hope that the Department of State removes the MEK from the foreign terrorist organization list immediately, as it is the legal, moral, and humane thing to do.

SWIPE FEES

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, 1 year ago, Congress took action finally to reform out-of-control debit card swipe fees charged to our small businesses and customers every time they swipe a debit card. For years, the card companies and big banks have essentially been ripping folks off, overcharging them on swipe fees. With no one watching just because they could, they were charging the highest fees in the world, running up billions of dollars in profits but all at the expense of small businesses and consumers. That's just too much. There is no justification for this.

A year ago, Congress finally took action on the debit cards. That's good for our economy and fair to our small merchants. But we need to do more.

Abuses continue in credit card swipe fees. The credit card companies and the big banks should step back and have a business model where they charge a fair price for an important service but not rip off their customers.

□ 1220

GUN CONTROL

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, I rise to commemorate the tragic passing of Neil Godleski, nephew of my friend and constituent, Suzanne Murphy of Southampton, New York.

Neil was a rising senior at Catholic University. He was fatally shot on August 22, 2010, while riding his bicycle home from a restaurant where he worked as a waiter. He was 31 years old and had returned to college with plans to pursue a career in science. His assailant was a 16-year-old boy who shot him six times with a .38 caliber handgun and then robbed him.

Suzanne's family has been wrenched with grief over the sudden end of this young man's life. While no vigil or memorial could ever begin to take away the pain of this loss, Suzanne has found a way to channel her grief and focus her energy. She has become an advocate for gun control.

When roughly 100,000 Americans are killed or wounded each year, reasonable people can agree that we can achieve evenhanded policies that protect Americans from senseless gun violence that do not infringe on any American's right to possess a firearm.

Mr. Speaker, I applaud Suzanne's efforts to reach out and bring awareness to the problem of gun safety. We must not let her nephew become just another chilling statistic in the battle to make our community safer, leaving another family struggling to get past the pain and the loss.

DO-NOTHING HOUSE REPUBLICANS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, President Harry Truman of Missouri famously labeled the Republican Congress of 1948 the ''Do-Nothing Congress.'' But to call this Congress the do-nothing Congress would be an insult to the 1948 Congress that was 10 times more productive than this Congress.

With the House recessing on the 21st, this is the earliest Congress has left to campaign in an election year in 52 years. The GOP-led 112th Congress has achieved the lowest approval rating ever—nearly 9 out of 10 Americans say they disapprove of this Congress.

Maybe we should feel lucky that Congress hasn't been here, because when they have been here, they voted to end Medicare as we know it and give tax breaks to millionaires over the middle class. They have left town without passing middle class tax cuts, the farm bill, the Violence Against Women Act, and responsible debt reduction. And they have voted for corporations that ship jobs overseas instead of passing the American Jobs Act.

Let's stop calling this the do-nothing Congress. This is worse than the ''Do-Nothing Congress.''

DYSFUNCTIONAL HOUSE OF REPRESENTATIVES

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Mr. Speaker, I want to talk about the number 47, not as in the percentage of Americans, the soldiers and students and elderly and working poor, many of whom are paying more in total taxes than Mr. Romney is paying on his tens of millions of dollars in annual income but who, nevertheless,

he seems to consider to be slackers. No, I'm talking about 47 as in the number of days left before the election, in the context of the fact that we have 1 more day that we will be in session. The most basic and fundamental responsibilities our constituents sent us to Washington to address are being left totally unresolved. Never have I seen a House of Representatives so unproductive and so dysfunctional, and I served during the so-called ''Gingrich Revolution.''

The fact is that today the House Republican leadership and too many of its rank-and-file Members seem to think that economic stimulus, which is vitally needed in this economy, is a dirty word, and that the Federal Government is some kind of alien enterprise. Their approach is to do nothing, and that's what we've done for the last 2 years—nothing.

RECOGNIZING LYNNE YOSHIKO NAKASONE

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, I rise today to recognize Lynne Yoshiko Nakasone of Honolulu, Hawaii.

The National Endowment for the Arts has named Sensei Nakasone a 2012 National Heritage Fellow for her contributions to the folk and traditional arts. This prestigious lifetime achievement award honors Sensei Nakasone's lifetime commitment to Okinawan classical dance—which is also referred to as Ryukyu dance—and embodies her accomplishments by identifying her as one of our country's living treasures.

It was at the young age of 6 that Sensei Nakasone began to master this technique of dance. Sensei Nakasone is originally from Naha, Okinawa, but has resided in Hawaii since her marriage to her loving husband, Clarence, in 1955. In 1956, Sensei Nakasone founded the Hoge Ryu Hana Nizi no Kai Nakasone Dance Academy in Honolulu, and for over five decades has been teaching, performing, and choreographing creative dances. Her performing skills are legendary, but it is her aloha spirit that endures the test of time and her passion, knowledge, and kindness that have touched countless individuals over the years.

There is no doubt in my mind that Sensei Nakasone is deserving of this award, for she has dedicated her life towards preserving the Okinawan culture while positively impacting others and contributing to the diversity and uniqueness of our culture in the United States of America.

FISCAL CLIFF

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, last week the San Diego Chamber of Commerce sent its largest ever delegation of community and business leaders to Washington. They came because they know Washington can help them spur the economy, innovate, and employ local workers if we can all get on the same page.

What grand request did they have for this Congress to help make progress happen? Well, just that we do our job: that we roll up our sleeves, work together across party lines, and find a sensible, not an arbitrary, balance of cuts and spending.

Yes, Mr. Speaker, this country is facing some hard choices, and, yes, there is division in this Chamber, but we do not need to add to the serious challenges facing American businesses and families by sitting on the sidelines watching a completely manmade disaster explode upon our economy.

Let's work together to come to decisions now. The American economy should not be facing a fiscal cliff; it should be receiving a fiscal roadmap. By actually doing our jobs, we can make the jobs of our hardworking constituents a little easier.

Our job is not done, Mr. Speaker. Cancel the congressional recess.

CELEBRATING NEW MEXICO'S CENTENNIAL

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. Mr. Speaker, I rise today to join my colleagues in celebrating New Mexico's centennial. We are proud to introduce a resolution honoring the 100 years since New Mexico became a State on January 6, 1912.

Home to some of the earliest human settlements in North America, New Mexicans have spent this year celebrating our State's remarkable history, our tremendous cultural diversity, and our meaningful contributions to the Nation and the world. From the fertile Rio Grande Valley, to the vast Chihuahuan Desert, to the peaks of the Sangre de Cristo Mountains, New Mexico's natural beauty is unsurpassed. From Pope to Geronimo, from Conrad Hilton to Jeff Bezos, from Nancy Lopez to Brian Urlacher, from Georgia O'Keefe to Rudolfo Anaya, from Dennis Chavez to Dolores Huerta, and from countless other New Mexicans, our impact on America's past, present, and future cannot be overstated.

As we continue to celebrate our centennial year, I join with all New Mexicans in honoring our unique heritage and our bright future.

PERSONAL RESPONSIBILITY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, my colleagues from across the aisle like to talk a lot about personal responsibility, but their decision to adjourn Congress for nearly 2 months shows how little they actually understand the concept.

Congress is facing serious deadlines right now, and we should be dealing with the problems the American people sent us here to solve. Instead, Republican leadership has decided that we should go home without doing any of it and taking with us one of the worst report cards in American history.

For more than a year now, Republicans have ignored a plan to create 2.6 million new jobs and protect another 1.6 million existing jobs. They won't even bring it to the floor for a vote. Right now we could bring to the floor and send to the President's desk a bill that would protect tax cuts for 98 percent of the American people and 97 percent of small businesses, but instead we're going home.

Republicans seem content to take our country off the fiscal cliff, which will hobble our economy, raise taxes on millions of working families, and once again shift the responsibility of our deficit to those who can least afford it.

Mr. Speaker, Republicans can't preach personal responsibility if they're not willing to accept it themselves.

□ 1230

HISPANIC HERITAGE MONTH

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, from September 15 to October 15, we honor the heritage and many contributions of the Latino community nationwide.

The story of Hispanic Americans is truly an American story. In America, if you work hard, play by the rules and dream big, there is no limit to what you can achieve. From the hard work of immigrants and their children, to the arts and education, to nearly 1 million Latino veterans who have proudly served in uniform, Hispanics have played a vital role in shaping our Nation.

While we have made great contributions, there is still more work to be done to address issues that affect the communities, such as health care disparities and improving high school graduation rates.

We all do not share the same roots, but we all share the same goals, in giving the next generation of Americans the opportunities to achieve the American Dream. That American Dream is part and parcel of what we celebrate and honor during the Hispanic Heritage Month.

REMOVAL OF REPRESENTATIVE MCNERNEY AS COSPONSOR OF H.R. 5864

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent to remove Representative MCNERNEY of California as a cosponsor of H.R. 5864, the Invasive Fish and Wildlife Prevention Act.

The SPEAKER pro tempore (Mr. WOMACK). Is there objection to the request of the gentlewoman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 118, DISAPPROVING RULE RELATING TO WAIVER AND EXPENDITURE AUTHORITY WITH RESPECT TO THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM; PROVIDING FOR CONSIDERATION OF H.R. 3409, STOP THE WAR ON COAL ACT OF 2012; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM SEPTEMBER 22, 2012, THROUGH NOVEMBER 12, 2012

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 788 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 788

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Ways and Means and the chair and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3409) to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Natural Resources, the chair and ranking minority member of the Committee on Energy and Commerce, and the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-32. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. On any legislative day during the period from September 22, 2012, through November 12, 2012, —

(a) the Journal of the proceedings of the previous day shall be considered as approved;

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and

(c) bills and resolutions introduced during the period addressed by this section shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred by the Speaker at a later time.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

SEC. 5. Each day during the period addressed by section 3 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 6. Each day during the period addressed by section 3 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

SEC. 7. Each day during the period addressed by section 3 of this resolution shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII.

POINT OF ORDER

Ms. MOORE. Mr. Speaker, I respectfully raise a point of order against H. Res. 788 because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentlewoman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentlewoman has met the threshold burden under the rule, and the gentlewoman from Wisconsin and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. I thank you so much, Mr. Speaker.

I raise this point of order, not necessarily out of concern for unfunded mandates, although there are some in the underlying bills under consideration here today, H.J. Res. 118 and H.R. 3409. Rather, I am here today because this is the only opportunity to voice my adamant opposition to the TANF-related resolution of disapproval, H.J. Res. 118, given the strict closed terms of our debate today.

My goal here today, Mr. Speaker, is to be a voice of reason, and certainly a voice of truth in this debate, because we are all undoubtedly about to hear an astonishing array of half truths and, Mr. Speaker, even lies about the Temporary Assistance For Needy Families program or TANF—the lie, for example, that the TANF program was this raving success that took people out of poverty, gave them dignity and put them in good jobs. Well, what it really did was to really kick poor people off the rolls.

You know, under President Clinton, 1996, when we passed the original TANF bill, it was a time of prosperity; and those people, primarily women, who would normally get off the rolls within 2 years, found jobs which were readily available. But even more, primarily women, just simply languished in poverty as a permanent underclass.

□ 1240

Despite the creation of the so-called ''safety net'' under TANF, many, many women have languished in poverty and are still in poverty today. We're not just talking about the poor. We're talking about deep poverty.

Mr. Speaker, did you know that between 1996 and 2011 the numbers of U.S. households living on less than $2 per person per day—the measure of extreme poverty as defined by the World Bank for developing nations—has more than doubled from 636,000 to 1.46—nearly 1.5—million people and that the number of children in extremely poor households has also doubled from 1.4 million up to 2.8 million children living in poverty—children, by the way, who cannot work? We are talking about the poorest of the poor. These numbers are startling given that we are talking about the United States of America, not some Third World country.

Now let's get to the big lie that these resolutions relate to. The Republicans claim that the work requirements have been gutted under the Health and Human Services' guidance. These lies have already been debunked by the

media, by Fact Check checkers, even by the original architects of TANF—for example, by Ron Haskins.

Apparently, our colleagues find it convenient to ignore the facts; but, of course, we have heard throughout this election cycle that the GOP is not going to be dictated by facts. Sadly, I'm not at all surprised that we are forced to engage in this TANF battle on the House floor. I knew that the GOP would challenge the administration's proposal at the earliest opportunity; but, frankly, House Republicans' timing on this could not be worse.

Do you think that the American people are demanding more attacks on the poor from your party this week or that doubling down on a strategy of vilifying the poor is a wise choice—trotting out the mythical, lazy welfare queen who doesn't want to take responsibility for her own life, who is part of the 47 percent who would rather have a so-called ''government handout'' than a job?

I think that the insistence on considering this bill at this moment in history when we should be considering critical issues like the farm bill for our drought-ridden States or the Violence Against Women Act—or how about this one, Mr. Speaker, the American Jobs Act?—rather than political message bills is remarkably tone deaf. TANF was written at a time when our labor market and our economy were radically different than they are today.

I didn't support TANF in 1996, but I certainly don't support it now that I have seen what it has done. It has become a hollow shell of a safety net program. It is not going to be allowed to evolve with the times, and it is now nothing short of completely broken. TANF recipients have been poorly served by the program, which too often locks people into a cycle of poverty through rigid guidelines and red tape while allowing them no access to real opportunity. In its current form, the program makes it extremely hard to move from welfare to work, which is supposedly the goal of the program, an honorable goal of the program.

Mr. Speaker, check this out: States can meet their work requirements even if none—zero—of their recipients find a job. States are only measured by whether or not recipients participate in certain activities for a set number of hours, like if they just job search and never find a job.

Not only are we not moving people from welfare to work in this program, but we are not allowing people any opportunity to get the education and training they might need to compete in the labor market or to learn valuable skills. We are trapping them in so-called ''job-search activities'' that are poorly designed and add up to nothing. TANF just does not provide real opportunities that could translate into better lives for beneficiaries. There are others who are unable to get help at all because the program is not designed to allow them in the door.

Shockingly, States are rewarded for simply lowering their caseloads rather than for moving people into jobs. There is, indeed, an incentive for States to create barriers that prevent the individuals and families with the highest need from even participating. We've heard the horror stories of people who have been kicked off TANF or who couldn't get in in the first place and of the desperate things they've had to do to feed and shelter and clothe their children.

By now, those of us who have been paying even the bare minimum of attention realize that the Republicans have been playing politics with the Obama administration's waiver program and have been playing fast and loose with reality. I would venture to guess that every Member in this Chamber knows the truth, that Republicans and Democratic Governors have been requesting increased flexibility in implementing the welfare reform for many years.

In fact, in 2005, no fewer than 29 Republican Governors asked for increased waiver authority, and given my limited time, I will only name a few of them. We have such socialist Governors like Mississippi Governor Haley Barbour, Texas Governor Rick Perry. How about Arkansas Governor Mike Huckabee and none other than—drum roll, please—Massachusetts Governor Mitt Romney?

Like these Governors, I wholeheartedly endorse the idea of allowing States the flexibility to craft welfare systems that meet the specific needs of their job markets and their participants. I know—and I know that many of you know, though you refuse to acknowledge it—that the waiver proposal from the Department of Health and Human Services would meaningfully strengthen our ability to move people from welfare to work.

May I inquire, Mr. Speaker, as to how much time I have remaining.

The SPEAKER pro tempore. The gentlewoman from Wisconsin has 40 seconds remaining.

Ms. MOORE. I was once one of those 47 percent—a welfare recipient. I have seen firsthand the successes and failures of this safety net in my community and across the Nation. I support the administration's strategic efforts to guarantee that TANF is a more effective program. I encourage all of my colleagues to reject H.J. Res. 118, this resolution of disapproval, and to, instead, work together to build a strong workforce and economy.

Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise to claim the time in opposition to the point of order and in favor of the consideration of the resolution.

The SPEAKER pro tempore. The gentleman is recognized for 10 minutes.

Mr. BISHOP of Utah. Mr. Speaker, the question before the House is: Should the House consider H. Res. 788? While the resolution waives all points of order against the consideration of H.J. Res. 118 and H.R. 3409, the committee is not aware of any points of order, and the waiver is basically prophylactic in nature.

We heard a lot of emotional and interesting points as to the basis of the bill that could be debated if, indeed, this rule were to be passed. I don't think it is actually the time right now in a point of order to go over the benefits of the bill or the detriments of whatever may happen if the bill, itself, is actually debated. There is time for that.

We do know that the number of individuals receiving welfare has dropped by 57 percent, that poverty amongst all single mothers has fallen by 30 percent, that the poverty amongst black children has dropped to its lowest level since 2001, and that employment and earnings amongst single mothers have increased significantly.

□ 1250

But that's all debate to the bill, which still has to go through the rule debate, and we're not talking about that. This is a procedural issue.

We could talk about the fact that in '93 the Ways and Means Committee did say that waivers granted after the date of enactment may not override provisions in the TANF law that concern further mandatory work retirements. But, once again, that would be the kinds of things that we should be talking about in the debate of the bill, which will come after the debate on the rule, which will come after our discussion of this procedural point of order.

So, actually, the merits of what the bill is is not the same thing as the purpose of the procedural point of order. The procedural point of order still has to be based on the idea of unfunded mandates within the rule.

The Congressional Budget Office believes that H.R. 3409 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act. However, based on the information for EPA and a small number of public entities would be required to comply with the bill's requirement, the CBO estimates that the cost of those entities to comply would fall below the Unfunded Mandates Reform Act's annual threshold for intergovernmental mandates. It's a threshold that is set and adjusted for inflation.

So the Congressional Budget Office states that H.J. Res. 118 also contains no intergovernmental or private sector mandates as defined by the Mandates Reform Act. That is the basis of the point of order. The bottom line is there is no violation of both an unfunded mandate within the rule or in the bills themselves.

The rest of the discussion is actually to the merits of the legislation and is appropriate at the time as we are debating that legislation.

So, Mr. Speaker, although I really have this great desire to use the full 10 minutes of discussion here, the bottom line still——

Ms. MOORE. Will the gentleman yield whilst he has too much time?

Mr. BISHOP of Utah. No, thank you.

Ms. MOORE. Will the gentleman yield to a question?

Mr. BISHOP of Utah. I appreciate the honor. Will the gentlewoman from Wisconsin let me finish the statement?

Ms. MOORE. I am asking you if you would yield to a question, not for me to speak.

Mr. BISHOP of Utah. I appreciate the interruption, but let me finish here. And probably not. Let's get on with the issue at hand here.

The point of order basically, Mr. Speaker, is still specious. It is in order to allow the House to continue its scheduled business for the day because the issue of the point of order is the unfunded mandate, not the other merits towards the legislation.

So I do urge Members to vote ''yes'' on the question of consideration. We will have an additional hour to discuss anything you wish to on the rule debate, as well as a whole lot of time on the merits of the bill when we debate the bill itself.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlelady from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members have 5 legislative days during which they may revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. This resolution provides for a closed rule for the consideration of H.J. Res. 118, the congressional disapproval waiver of work requirements, and provides 1 hour of general debate, with 30 minutes equally divided and controlled by the chair and the ranking minority member of the Committee on Ways and Means and 30 minutes equally divided and controlled by the chair and the ranking minority member of the Committee on Education and the Workforce.

This rule also provides for a structured debate for consideration of H.R. 3409, the Coal Miner Employment and Domestic Energy Infrastructure Protection Act, and provides for 1 hour of general debate, with 20 minutes equally divided and controlled by the chair and the ranking minority member of the Committee on Natural Resources, 20 minutes equally divided and controlled by the chair and the ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chair and the ranking minority member of the Committee on Transportation and Infrastructure.

Finally, this rule makes in order a number of important amendments on both sides of the aisle. If staff doesn't change my mind, I believe there are 13—7 Republican and 6 Democrat—amendments which is as close as you can get with an uneven number to a fair rule. So it is a fair rule.

Mr. Speaker, now speaking towards the merits of this particular resolution, I would like to make special mention of Congressman JOHNSON, who is the base sponsor of H.R. 3409, the Coal Miner Employment and Domestic Energy Infrastructure Protection Act. He definitely has been one of the leaders in this entire area of the issue of coal as it is used in energy. Not only is it important to his constituents, but this is an important issue for the entire country. And I want to recognize Mr. JOHNSON as having been tireless in committee, asking questions that go to the core of this particular issue, providing amendments, and then finally culminating with his bill which deals with how we actually can use coal to further our energy needs in this particular country. Representative JOHNSON is a freshman who has learned fast and is a true champion for inexpensive energy that will expand our economy and create jobs for American citizens.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

This week marks the last time the Chamber will meet until the middle of November. As we depart, the majority walks away with the dubious distinction of having presided over a session of Congress that is widely called the least productive in history. This Congress has achieved that distinction because, although bipartisan consensus is needed to pass any bill into law, the majority has spent the last 2 years pursuing an extreme and partisan agenda. In fact, they have repeatedly spurned potential bipartisanship in order to vote on ideological legislation that will never become law.

In week after week, the majority has refused to help our Nation's drought-stricken farmers. With the Senate-approved farm bill sitting on the table and a bipartisan outcry to pass a 5-year farm bill growing, the majority has decided to neglect our Nation's farmers and allow the farm bill to expire without even attempting to pass a bill at any time in the House.

An expiration of the farm bill means that dairy farmers in my part of the country, western New York, and throughout the United States will lose what little safety net they have. Yet, when faced with the choice of passing a compromised farm bill or pursuing an all-or-nothing partisan agenda or, as we're doing today, passing bills that have already passed the House just because they liked them so much they wanted to see them again, the majority chose the latter.

In western New York, farmers don't need the majority to play partisan games. They need a 5-year farm bill, and they need it now.

Unfortunately, the bills we consider today offer more of the same. Both the bills before us today are little more than extreme and partisan messaging documents designed to benefit politicians running for office, not the American citizen struggling to get by. Take, for example, H.R. 3409, the Coal Miner Employment and Domestic Energy Infrastructure Protection Act. That's a fine title there. Four out of the five titles in this bill, as I had said a minute ago, four out of the five bills in this measure have already been voted on by the House, but they were too partisan and extreme to pass the Senate. They will not yet again pass the Senate; therefore, it is simply a waste of time today.

It costs a lot of money to bring all the Members of Congress back to Washington from the four corners of the United States, and to come back to repass bills that have already passed that will never go beyond this House cannot be called anything else but a colossal, disastrous waste of time.

Among other things, the bill would roll back decades of environmental protections, endanger the public's health, and prevent our country from addressing the growing threat of climate change. The majority knows that such extreme proposals will not pass into law, but they are moving forward anyway in order to serve political campaigns. Similar sentiments appear to be driving the consideration of the second proposal, the TANF disapproval resolution.

□ 1300

This bill is based upon a premise that has been proven false by multiple fact-checking organizations, including The Washington Post Fact Checker. Indeed PolitiFact, an nonpartisan project of the Tampa Bay Times, has concluded that ''by granting waivers to States, the Obama administration is seeking to make welfare-to-work efforts more successful, not end them.''

Despite that, we're going to bring up the bill today to cure something that does not exist. It is astounding that at a time when we could be voting on a jobs bill, Republicans have instead chosen to block an Obama administration proposal that would help States put more people back to work and, indeed, has been requested by those States' Governors.

Perhaps most telling is the fact that even as we consider these bills, the majority also refuses to consider legislation to address serious national crises.

Yesterday at a meeting of the Rules Committee, they blocked five amendments that would address those issues.

First they brought an amendment by Representative BOSWELL to vote on the bipartisan Senate farm bill. They had another chance yesterday to bring the farm bill up before we all go home. Then they brought an amendment by Representative MOORE to reauthorize the Violence Against Women Act, which expires in days and a bipartisan bill, if ever there was one, because I was one of the coauthors of the bill. That has been routinely authorized by both parties until this year.

Finally, they blocked amendments by my colleagues, Representatives LEVIN, CONNOLLY, and BLUMENAUER to pass tax cuts for the middle class, to extend a production tax credit for renewable energy producers, wind energy, and to consider legislation to address the financial crisis facing the postal service.

The majority was given a chance to bring all of its proposals to the floor, but they walked away and went forward with the messaging before us today. So we will pass today four bills that have been passed previously.

I asked my colleagues in the majority: Which is more important, to provide relief to the drought-stricken farmers or voting to deny climate change? Which is more important, passing a symbolic resolution based upon a false premise or providing tax cuts to the middle class? Which is more important, passing self-proclaimed messaging documents, or working together to provide for the millions of Americans in need? If you would ask a farmer in Monroe County, New York, if they would rather have Congress pass a dead-on-arrival messaging bill or act on a bipartisan farm bill, I know and you know what they would choose.

In closing, what we are considering today are choices made by the majority, a choice to pursue an extreme and bipartisan agenda that they knew would never become law. In so doing, they have failed to provide results for the American people that lead to the least productive Congress in the history of our Nation.

I urge my colleagues to reconsider the choices that have been brought here today and the legislation that we are about to consider. In the process, I hope we can finally end the political games and return to the responsibility of governing.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope you will forgive me if I try to limit myself to what is actually in the resolutions and the bills that we are presenting today as far as the Rules Committee is concerned.

There is, though, a common thread that runs through the two resolutions that happen to be here and deals with the definition of what is administrative and what is legislative. Even if the current administration seems to have a problem in making that definition of what is administrative, we in Congress need to clearly understand what is our legislative responsibility.

Our good friend, LOUIE GOHMERT of Texas, always says that he who learns the lessons of history will find some other way to screw it up. That's probably true. I don't want to sound like an old history teacher, but I am. I do want to say that there are some things that we in Congress should be doing to learn from our past history.

John Page, in 1771, a Congressman from Virginia, was on the House floor when it was determined while the House was debating whether they stuck around to actually determine where postal routes should be. People wanted to go, and, more importantly, the people trusted the President. The question was, Why don't we just let the President do it all?

It was John Page who stood up and said, and I move to adjourn and leave all objects of legislation to his, the President's, sole consideration and direction. He shamed Congress into doing their job of writing the legislation and not allowing the executive branch, the administration, simply to do everything by fiat. We sometimes have forgotten that.

In the TARP language, we put in language like, the Secretary of the Treasury will be able to purchase troubled assets on such terms and conditions as are determined by the Secretary; or authorize any purchase on which the Secretary determines, promotes financial market stability; or the Secretary is authorized to take such action as the Secretary deems necessary to carry out all authorities in this particular act.

That is legislative authority that we passed on to the executive branch. That was a tragic mistake. We should not incorporate that tragic mistake, wider now, by simply allowing the executive branch to take on responsibilities and authorities of their own free will and volition.

We have this same situation once again in the history of this country. We had a President of the United States who wrote a book about Congress without ever visiting Congress itself, who said what the Founding Fathers realized, in which their effort to have vertical separation of power between State and national government—what we call federalism—and horizontal separation of powers between the three branches, which we call the separation of powers—and every public school student is taught that—they were put in there so that individual liberty, which I always consider to be individual choices and options in running their lives, would be protected against the concentration of power in one branch or another.

Now, this former President of the United States called this separation of powers political witchcraft. He said it was wrong to try and separate powers perplexingly subdivided and distributed to be hunted down in out-of-the-way corners. An earlier President than him thought, you know, the President of the United States is elected by everybody, Congress by a few people, the courts by none. Therefore, ignore the courts, which has some appeal, but at the same time the President should speak for the government.

This other President, coming back later, built upon that so he increased the role and power of the executive branch under the concept the President is the President of the whole people and, therefore, he has the ability to transcend separation of powers.

His effort to improve democracy was to eliminate democracy and instead ensure that the decisions were not made by the people or the voice or representatives of the people, but by experts, experts who were serving in the administrative branches. We, if you like that concept, call it the administrative state. If you don't, we call it ''nanny government.'' Nonetheless, that was the concept.

One of the other Presidents that came shortly before him said there will be little permanent good that can be done by any party if we fail to regard the States as anything other than a convenient unit for local government. He said there is no harm by concentrating power in the hands of one individual. He also said that he would not be content with keeping his talents undamaged in a napkin. That's perhaps why the Speaker of the House at the time said he had no more use for the Constitution than a tomcat has for a marriage license.

The bottom line of what happened in the history is that all of a sudden we found that the Founding Fathers who believed in people and believed in the legislative branch, listening to John Locke, who said you cannot transfer the power of the legislature to another branch, those type of people decided at that time that the people should not be running their own affairs, that government experts should be making that policy.

To be honest, when we're talking about the first resolution that deals with TANF, the welfare issue, I don't care if the waiver is the greatest thing since sliced bread, it is still extra-constitutional and it should not be used and Congress should not allow it to take away what is the role of Congress, and only Congress, to establish these issues and set these boundaries.

In the other bill that we're talking about, we're talking about prohibiting future actions by entities, in this case, specifically the EPA, which would destroy jobs, increase the cost of our utilities that would cause greater costs of lighting homes and heating homes, especially for those who have the least ability to do so.

Congressmen and Congresswomen must stand up and insist that Congress create these standards and create these options, not being made by executive

fiat. That is the very purpose of why we are here.

The first President, to whom I referred, ended up with a legacy of many programs implemented which we still today find controversial. He was labeled by historians as an arrogant President at that time who refused to talk to Congress. Because of that, he lost some of his last, most precious programs in an effort to try and go around Congress rather than working with Congress.

□ 1310

Now, Mr. Speaker, that's why this resolution is before us and why these two separate bills are here. Both of them attempt to set the record straight and show that it is Congress' responsibility to set the rules and the guidelines. It is not an administrative prerogative. And we as Congress need to step forward and say we are the ones who do this. We should not allow it to be done by anyone else, regardless of why it's being done or the merits of why it's being done. It's our job.

We should learn from history. We should be more like John Page and try and make sure the Congress does these types of issues and makes these types of decisions and less like Presidents later on who thought the President speaks for everybody and the President has every right to transcend separation of powers and do it for himself. That's the basis of these two bills. That's the important issue. We should learn the lesson of history.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentlelady.

Republicans are saying that there is a war on coal. They even named this bill the End the War on Coal Act. But the only battle coal is losing is in the free market to natural gas, to wind, to solar.

Just 4 years ago, coal generated 51 percent of our electricity. Now it is down to 35 percent of our electricity. Have the lights gone off? No. And that's because coal has been replaced in the free market by natural gas, which has risen from 21 percent to 30 percent of all electrical generation in our country. And by the way, the same thing is true for wind. Wind has gone from 1 percent of electrical generation to 4 percent of electrical generation.

That's your answer. That's what's happening. The marketplace has moved to natural gas—another fossil fuel, by the way—and wind. And why have they done so? Natural gas is cheaper than coal. It's more plentiful now because of fracking technologies. And the market has moved.

What is happening? What is happening is that natural gas prices have gone down 66 percent in the last 4 years. That is the shift from coal over to natural gas. That's the arithmetic. You're a consumer, you see a product, it does the same thing as the other product, and it's dropped 66 percent in price. The arithmetic says I go and get that product if it's going to ensure that my home is heated, that my air conditioning goes on. It's just arithmetic. Coal is losing to natural gas.

So when the Republicans say there is a war on coal, in a market sense, yes, there is a war. In the same sense that when we started carrying BlackBerries, it was a war on the black rotary-dial phone; in the same sense that when we started using Macs and PCs, it was a war on typewriters; in the same sense that the horseless carriage was a war on horses; in the same sense that refrigerators were a war on salted meats; in the same sense that the telegraph was a war on carrier pigeons.

These aren't wars. It's innovation. It's competition. It's natural gas versus coal. All we're saying as Democrats is let the free market work. You're here saying, No, protectionism. Protectionism against the natural gas industry winning this battle in the marketplace. By the way, natural gas is also winning the battle in the marketplace against home heating oil. Tens of thousands of people are shifting from home heating oil over to natural gas. Why? It's cheaper. The same thing is true in the production of petrochemicals and fertilizers. Industries are moving away from oil as the component part of moving over to natural gas. Why is that? It is cheaper. It's across-the-board.

Do you understand this, Republicans? It's arithmetic. It's simple. It's easy to understand. It's not the policies of the Obama administration. If you want to blame someone, blame ADAM SMITH for the ruthless, Darwinian, paranoia-inducing market system that we've adopted where utilities and private citizens and the petrochemical industry move toward a product which is cheaper, more available here in the United States, a domestic industry that is here.

Instead, this is a Republican Congress which has 302 anti-environmental votes, which they've cast in just a year and 8 months. That's 302 anti-environmental votes. That's what they're all about. This whole thing is an excuse to lower the protection against pollution coming from coal that damages the health of children, the health of our environment all across our country, when they're just losing a battle to natural gas in the marketplace.

They get an F on Medicare this Congress, F on tax breaks, F on jobs, F on urgent priorities, F on women, and an F on environment. It's just an excuse because they don't like what is going on in the marketplace. And it's a shame because they tout themselves as that party. Simultaneously, you know what they do? They're killing the wind tax break—killing it because it's up to 4 percent of electricity and keeping the exact same amount in for ExxonMobil and the oil companies to produce oil. Now how can you call that a plan of all-of-the-above?

All of this tilts the playing field, tilts the competition in the marketplace. You can't give tax breaks to oil and take them away from wind and say you're all-of-the-above. You can't say you want to tilt the playing field toward coal as natural gas is winning in the marketplace and say you're in favor of all-of-the-above. You are not. You are not.

So, ladies and gentlemen, I ask for a ''no'' vote on this rule and a ''no'' vote on these bills as they come to the floor of the House. It is anti-market policy on steroids as they bring it out here on the House floor.

Mr. BISHOP of Utah. With gratitude for the last speech, which was such a stirring support of fracking, which has made gas so plentiful and useful in this country, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank the gentleman from Utah.

The bill we are considering today is very simple: It's a bill that protects one of the Nation's most abundant and cheap energy sources—coal—and ensures that some of the highest-paid family wage jobs in the country are saved.

I want to focus on title I of H.R. 3409 that limits the authority of the Secretary of the Interior to issue new burdensome regulations under SMCRA until the end of 2013. This title will put a short timeout on the recklessly rushed rulemaking by the administration that has resulted in millions of wasted dollars and confusion by all parties regarding the current management of coal by the Office of Surface Mining. This rulemaking has been an unmitigated disaster, with the administration attempting to compress what ordinarily would take 36 months into 15 months. When news got out about how many jobs would be lost under these proposed rules, the administration fired the independent contractor who provided the analysis.

The administration's own analysis is that 7,000 direct mining jobs would be lost and an additional 29,000 people would fall below the poverty level in the Appalachian basin alone. The proposed rules would have a negative economic impact in 22 States.

How in the world can a President who gives lip service to creating jobs allow his bureaucrats to kill jobs in coal States?

This bill will simply give OSM a timeout so they can hear and address the concerns raised by the cooperating agencies, coal mining States and tribes, and citizens. It will allow States time to read the hundreds of pages of materials in months rather than days. The current rulemaking by OSM is an out-of-control process with no regard for mine workers and their families who depend on these jobs.

I urge my colleagues to support the resolution and the Johnson bill.

Ms. SLAUGHTER. Mr. Speaker, I am glad to yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this political resolution that aims to wrongly characterize the administration's position on Temporary Assistance to Needy Families. This is a waste of our time.

The purpose of the administration's waiver proposal is to allow States to test alternative and innovative strategies that are designed to improve employment outcomes for needy families. As the Department of Health and Human Services has said repeatedly, waivers will only be approved if a State can prove that there is an effective transition from welfare to work. In essence, that they are putting more people to work.

Is the majority now against putting people to work? Or are they against states' rights? If so, they may want to tell their Presidential candidate. In 2005, Mitt Romney and 28 other Republican Governors wrote a letter requesting more ''flexibility to manage their TANF programs'' and ''increased waiver authority.''

□ 1320

This is exactly what the administration's waiver proposal does. For 2 years now, instead of working with us to create jobs, instead of passing middle class tax cuts, instead of passing the Violence Against Women Act, instead of passing responsible deficit reduction and to help us to try to get the economy moving again, the urgent priorities that we should be working on right now, this majority has continually put forward politically motivated resolutions.

You know, I would just say to you that the American people cannot afford a do-nothing Republican Congress that refuses to act on issues critical to the middle class, critical to small businesses, critical to farmers, critical to women. They need to expect better leadership from us.

I urge my colleagues to oppose this resolution. We need to get work done, not politically motivated resolutions.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to the chairman of the Science Committee, the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I rise in strong support of the rule and H.R. 3409, the Stop the War on Coal Act. This may sound a little strange to a guy from an oil and gas State, but we have an awful lot of coal.

This bill takes a number of simple, commonsense, and long overdue steps to rein in the Obama administration's out-of-control EPA, which is waging all-out war on American energy. Coal is at the heart of that war. Anyone who fails to believe such a war exists should speak to the people of Mount Pleasant, Texas, in my congressional district.

EPA's Cross-State Air Pollution Rule threatened 500 jobs at two coal-fired power plants in Mount Pleasant. Fortunately, the courts threw out this rule in August after finding that EPA went well beyond the law in its efforts to regulate coal out of existence.

We know EPA will go back to the drawing board. H.R. 3409 adds needed protections for any future proposal and, in doing so, protects jobs not only in my State, but in coal-producing States and coal-using States all around the country.

The bill also blocks future efforts to attack coal through other regulations, most notably the EPA's effort to enact economywide restrictions on greenhouse gas emissions. These rules are based on shaky science and would raise the cost of energy for all Americans. They should never see the light of day.

I want to mention my support for two amendments made in order under this rule. They will be offered by members of the Science, Space, and Technology Committee, which I chair. These amendments address serious problems with EPA science that the committee highlighted during the 112th Congress; specifically, Congressman DAN BENISHEK's amendment that requires that an analysis of the cost of regulations explicitly evaluate the potential negative health effects of regulations. Energy and Environment Subcommittee Chairman ANDY HARRIS' amendment would require that the scientific data EPA uses to justify its regulations is peer reviewed and made publicly available.

These amendments reinforce and strengthen the transparency and openness provisions in H.R. 3409. I urge Members to support these amendments, the rule, and the underlying bill as well.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, as one who believes in the value of work, I voted for the 1996 law to transform welfare to workfare. Now as the ranking Democrat on the subcommittee overseeing this law, I want to strengthen reform and assure that every able-bodied American who can work is working, you know, people like Mitt Romney's father, who long ago was on a form of welfare himself before he became wealthy. Those are the kind of people that should be working.

Unfortunately, Republicans talk work for everyone else, but when it comes to doing the work here in Congress, well, they don't quite measure up to it.

It's just like the expired Federal education law. They have been in power here for over 20 months, and we wouldn't need any changes or waivers in the law if they'd done their job to renew workfare.

The real question here is not whether we emphasize work but how, how we achieve the most effective ways to get more people working.

This administration has simply responded to Republican Governors and some Democrats who are seeking more flexibility and less bureaucratic paperwork, who sought better ways to get more people working.

Even the Republican staff director who wrote the original 1996 reform law and who recently surveyed 42 State TANF directors says that these Republican attacks are ''exaggerated.''

So, why in the world would Republicans be here today, when there is so much other work that this Congress has failed to do, presenting what is really an antiwork resolution masquerading as prowork?

Well, I think it's because particularly during this week, such a very difficult and troubling week for Mitt Romney, they're a little desperate. They think they can hoodwink enough Americans to turn on their neighbors by falsely dividing us—dividing us between makers and takers, between manufacturers and moochers, between producers and parasites. That is not America.

Whenever they bump into an inconvenient fact like what actually is involved in this legislation, they just ignore it. They have made this Congress largely a fact-free zone.

When confronted with reality, they hold up those signs that say ''believe.'' They left a word off. It really should say ''make believe,'' because that's what's at stake here, the fantasy that they bring us on all aspects of this measure. Fantasy is a mighty poor way to govern America.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I'm glad to yield 2 minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. Mr. Speaker, I rise in opposition to the rule and the underlying bill, the polluters' bill of rights.

I understand that my Republican friends are trying to improve the coal industry's outlook, and I imagine that most industries would benefit if Congress simply eliminated their obligation to help keep the public safe.

We hear a lot about the immorality of leaving our children with mountains of debt, and I completely agree with that. I support measures to responsibly reduce the debt. But bills like this one are piling another form of debt on our children. We are leaving them to deal with the consequences of letting coal companies pollute the air that our children breathe and the water that they drink.

Our failure to take comprehensive action on global climate change is already profoundly immoral. It is a disgrace that we refuse to sacrifice on behalf of our grandchildren. I fail to understand the perverse notion that my colleagues on the other side share that somehow global climate change is a laughable matter that we can sweep under the rug instead of an unprecedented threat to the health of our children and to the security of our Nation.

How many more millions of tons of greenhouse gases would my Republican colleagues like in our atmosphere before they're concerned? How much less

polar ice? How many more cases of preventable cancer should American children develop?

I offered an amendment to slow down the bill's assault on America's environmental laws until scientists could verify that what this Congress seeks to accomplish would not increase cases of preventable cancer among our most vulnerable: children, seniors, and those with chronic conditions.

Regrettably, the House will not even have a chance to vote. It must be too inconvenient for my colleagues to have to tell their constituents that they value these coal companies above sick children.

Well, I've got news for my colleagues. Ignoring the consequences of our actions does not make them go away. These rules are in place because the American people demand safe air and water. They expect the electricity that powers their homes is not produced in a way that makes tumors grow in their loved ones.

We should focus on building a Nation, a secure economic future in this Nation. That means investing in clean energy industries instead of catering to special interests.

□ 1330

Moving forward with clean energy is the least we can do. Passing this bill is the worst thing we can do. I urge my colleagues to reject the bill.

Mr. BISHOP of Utah. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, we have no further requests for time, except one more. And we want to defeat the previous question.

I'm going to offer an amendment which proposes that Congress will not adjourn until the President passes the middle class tax cut into law. Additionally, I want to make in order the amendment that will extend the renewable energy tax credit. These tax credits are directly responsible for creating more American jobs. Allowing them to expire will mean fewer manufacturing jobs at home and more jobs sent overseas to China. We cannot afford to leave town without extending them.

To discuss our proposal, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, today is Thursday, September 20. And tomorrow, I understand, the House is set to adjourn until after the election. Tomorrow, the House is set to leave town without finishing the work that the American people sent us here to do.

Now, I have no objection to increasing domestic energy production, and I think an all-of-the-above approach is a rational approach to take. However, I rise against this rule. I rise in opposition to this rule because two amendments that I had offered to the bill were not made in order by the Rules Committee. The amendments I offered were on substantive policy that my constituents are calling for, and I am here to stand up for and represent my constituents in Iowa—and, I might add, across the Nation.

One amendment would extend the wind production tax credit. Wind energy plays a significant role in electricity generation in the State of Iowa and many other States—for us about 20 percent—and the manufacturing of wind turbine components in Iowa has brought high-tech manufacturing jobs to my district. The fact that the House is set to adjourn until after the election while this industry is being forced to lay off workers because of Congress' inaction is shameful. It's something we should not do. Yesterday, it was announced we would be laying off 400, and more to come.

Another amendment I offered would have allowed the House to finally vote on a farm bill. But once again the Republican leadership of the House stopped the House from voting on a farm bill. Let me say that again: The House Republican leadership is preventing this House from working its will on a farm bill.

Mr. Speaker, apparently some House Republicans believe standing up for our farmers and ranchers across the country is not worthy of this House. This is a disgrace. Inaction on a farm bill is creating the market uncertainty that the House Republicans so often decry, and this uncertainty will only get more complicated as the House continues to kick the can down the road.

So, once again, I rise in opposition to this rule. And I call on my colleagues to defeat the previous question so that we can amend the rule and proceed to a debate that will result in the House actually doing the work our constituents sent us here to do.

Mr. BISHOP of Utah. Mr. Speaker, I have some empathy for the gentleman from Iowa, but I will have to say that one of the reasons that those amendments were not made in order was, quite frankly, because both of them were nongermane to the base bill, and that becomes a concept.

One of the reasons that Ms. SLAUGHTER speaks on wishing to stay here until we pass middle class tax cuts—and I think I can approve of that because, actually, when we considered H.R. 8, the Rules Committee took an extraordinary step of waiving the rules of the House—including CutGo and other budget-related points of order—so an amendment could be given by Mr. LEVIN, and he could have an opportunity to present that amendment. That amendment was debated, and it was rejected on a bipartisan vote of the House in August.

Unlike the amendment, then H.R. 8 passed the House with a bipartisan vote, which means the House has voted for a middle class tax cut. We have done our duty. It is one of the myriad of bills that is sitting over on the Senate side waiting for them to do something so that we can proceed to a conference committee.

So I actually approve of what the gentlelady from New York is saying because basically we've done it, and we did it on August 1.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I do have a late entry here. I would like to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, 102 days from today, every American who pays income taxes will face a substantial tax increase; 102 days from now, the estate plans of small business people will be blown asunder because of the changes in the Tax Code that will automatically occur; 102 days from now, workers at defense plants, medical research institutions, and other very important functions in our country will lose their jobs because of an across-the-board spending cut called a sequester. The response of the majority to this looming problem is to leave town.

Now, I must confess that, given the majority's propensity to end the Medicare guarantee and provide tax cuts to millionaires, perhaps them leaving town does have a certain appeal. But under these circumstances—where there is a significant problem in our country, where farmers all across the country have no idea under what rules they will be running their farms and their businesses because a farm bill that received broad support from Democrats and Republicans on the Agriculture Committee has not made its way to the floor—in light of all this trouble, amidst all the stress of the American economy, the plan for the majority is to leave town tomorrow until after the election. This is irresponsible in two ways.

First, I think we have a duty to act before the election so the voters of this country can assess where we stand and whom they want to have represent them in the years ahead. And second, the problems of American families will not be put on hold during the 6 or 7 weeks that we're back in our districts politicking. Then we'll all come back after the election—many people will be in what's called a lame duck status where they're not coming back—and we will compress all of these decisions into 5 or 6 weeks. This is just not the proper way to legislate. It's not the proper way to govern our affairs.

So I would urge Members to oppose the previous question, which has the effect of putting on the floor legislation that would guarantee a tax cut, tax relief for middle class people, as well as the creation of jobs in our country because of clean energy. Now, you can agree or disagree with those propositions, but I don't think any of us disagrees with the proposition that in the face of these very real crises for the American people, we're just getting on

the plane, getting on the bus, getting on the train and leaving town. It's the wrong thing to do.

We should oppose the previous question and vote ''no.''

Mr. BISHOP of Utah. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, may I inquire through my colleague if he has any other requests for time?

Mr. BISHOP of Utah. I actually don't think I have any other speakers. I may be surprised in the next few minutes, as will be the case.

Ms. SLAUGHTER. It happens.

Mr. BISHOP of Utah. It happens, yes.

Ms. SLAUGHTER. Then I am prepared to close, and I yield myself such time as I may consume.

Mr. Speaker, I sincerely regret that today we will consider legislation that has no chance of becoming law. Our constituents send us here with an expectation that we will work together and deliver results. That doesn't mean that they expect us to abandon all of our principles, but it does mean that while we engage in fierce debate, we do so in the spirit of collaboration and at the end of the day we come together to produce bipartisan legislation that will address the major issues that are facing our country.

For the last 2 years, the majority has actively avoided such bipartisan legislating, and as a result we face a mounting number of issues that demand our attention. Sadly, none of those pressing issues are addressed in today's bills.

So I urge my colleagues to oppose today's rule and the underlying legislation. It is time we put aside political games and address the pressing national issues facing this country.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I urge my colleagues to vote ''no'' on the previous question, to defeat the previous question, and I urge a ''no'' vote on the rule.

I yield back the balance of my time.

□ 1340

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

In our discussion of this particular rule today, we have, as oftentimes is the case, wandered far and wide.

I would point out to one of the speakers who was just up there saying that we should stay here doing the sequestration act, dealing with the sequestration issue, the House did. On May 10, we passed the Sequestration Replacement Act. Once again, it's sitting over in the Senate. To wait here until we do the middle class tax cuts, we did that in August. It's waiting over on the Senate to do something.

We have issues that are significant in the two that are before us. If we're talking about welfare in some particular way, whether the rule that was made coming out of the executive branch was appropriate or not, we could go back and say why it was done. It is true the President, in 1997 and once again in 1998, said he would not have supported the legislation that created the system that we have. It's also true that in The Washington Post editorial, they made comments that said the Obama administration is waiving the Federal requirement that ensures a portion of able-bodied TANF recipients must engage in work activities. If this is not getting welfare reform, it's difficult to imagine what would be.

But even if the substance of that was inaccurate, the fact that it was done by regulation, by rulemaking coming from the administrative branch, puts us in suspect category. Rules should not be establishing what is our priority; it should be laws made on this body. If you want to change it, if you want to do waivers, it should be coming from this particular body.

The other half of it deals with coal. This is a Nation with the largest coal reserves in the world. We have 500 years of potential electricity at cheap rates coming from coal. A coal plant today is as much as 99 percent cleaner than one built 40 years ago, and yet rules and regulations that have been promulgated or are being threatened to promulgate are one of those that impede the ability of building new plants.

There is no valid reason why the American coal industry should be suffering at the hands of overzealous Washington regulators or why workers are being laid off in the Midwest, in Virginia, Pennsylvania, Ohio, West Virginia, and other places; although, today, it was again announced that there will be 1,200 coal mining jobs that will be eliminated across central Appalachia by a company, one company.

And once again, there is the kind of unfair regulations that are taking place. It is true that H.R. 3409 is cobbled together with other bills that have passed this body, but I would remind you that each of those four that have already passed this body were passed on a bipartisan vote, with anywhere between 16 and 37 Democrats, depending on the bill, joining with Republicans to pass those. And, when put together in a package with H.R. 3409, presents a good package to make sure that we are in favor of cheap energy, energy that will drive and build our economy and provide jobs for those who need those particular jobs.

I went historically in a while earlier because I wanted to say that we have faced these types of situations in the past, where the question was: Should the President make the rules or regulations or should Congress actually pass legislation?

The President to whom I referred ended his tenure in a somewhat bitter way, refusing to work with Congress, instead, trying to go around Congress, which produced, at that time, a historic deadlock between the Presidency and the Congress.

This is a Nation of laws. Laws are made here. It's not a Nation of rules. And if the rules and regulations are going to have the effect on the future and are going to have an effect on the American people, they should not be done by executive fiat. Whether you like them or not, they should not be done in that manner. It should be done here legislatively.

That's the purpose of both of these issues that are tied together in this rule; that's the thread that comes together—whether or not we actually believe Congress should be doing the job of creating the standards and the rules, or we're willing to simply abrogate our responsibility, our power, our options to some other body.

And I would hope that as Congress we would be very careful and considerate about what our responsibility is, and we would take very seriously any encroachment on the role of law that is given to us by the Constitution. It was the vision of the Founding Fathers that this should be the body that makes those decisions, not the executive branch.

This is a good bill, these are good bills, and this is a fair rule.

We haven't even talked about the amendments that were made in order, but they do cover, in fact, we did have one statement about the amendment that was not made in order, and I half wish—the Member is no longer here, but his issue of concern is covered in another amendment that is made in order and will be discussed on this floor.

So it is a fair rule. It will have a vigorous debate. And there are two good bills that would be brought before this body that I hope sincerely pass. I do urge their adoption, and I sincerely urge the adoption of this rule that will move us forward.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 788 OFFERED BY MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 8. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the resolution (H. Res. 746) prohibiting the consideration of a concurrent resolution providing for adjournment or adjournment sine die unless a law is enacted to provide for the extension of certain expired or expiring tax provisions that apply to middle-income taxpayers if called up by Representative Slaughter of New York or her designee. All points of order against the resolution and against its consideration are waived.

SEC. 9. Immediately after House Resolution 746 is no longer pending, Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 15) to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families. All points of order against consideration of

the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 10. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 9 of this resolution.

SEC. 11. Notwithstanding any other provision of this resolution, the amendment printed in section 12 shall be in order as though printed as the last amendment in the report of the Committee on Rules accompanying this resolution if offered by Representative Boswell of Iowa or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 12 The Amendment referred to in section 11 is as follows:

At the end of the Rules Committee Print, add the following new title:

TITLE VI—EXTENSION OF RENEWABLE ENERGY CREDIT SEC. 601. EXTENSION OF RENEWABLE ENERGY CREDIT.

(a) WIND.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2013'' and inserting ''January 1, 2017''. (b) BIOMASS, GEOTHERMAL, SMALL IRRIGATION, LANDFILL GAS, TRASH, AND HYDROPOWER.—Each of the following provisions of section 45(d) of such Code is amended by striking ''January 1, 2014'' and inserting ''January 1, 2017'':

(1) Clauses (i) and (ii) of paragraph (2)(A).

(2) Clauses (i) (I) and (ii) of paragraph (3)(A).

(3) Paragraph (4).

(4) Paragraph (6).

(5) Paragraph (7).

(6) Subparagraphs (A) and (B) of paragraph (9).

(7) Subparagraph (B) of paragraph (11).

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 238, nays 179, not voting 12, as follows:

[Roll No. 587]

YEAS—238

Adams	Gingrey (GA)	Nunes
Aderholt	Gohmert	Nunnelee
Alexander	Goodlatte	Olson
Amash	Gosar	Owens
Amodei	Gowdy	Palazzo
Austria	Graves (GA)	Paul
Bachmann	Graves (MO)	Paulsen
Bachus	Griffin (AR)	Pearce
Barletta	Griffith (VA)	Pence
Bartlett	Grimm	Petri
Barton (TX)	Guinta	Pitts
Bass (NH)	Guthrie	Platts
Benishek	Hall	Poe (TX)
Berg	Hanna	Pompeo
Biggert	Harper	Posey
Bilbray	Harris	Price (GA)
Bilirakis	Hartzler	Quayle
Bishop (UT)	Hastings (WA)	Reed
Black	Hayworth	Rehberg
Blackburn	Heck	Reichert
Bonner	Hensarling	Ribble
Bono Mack	Herger	Rigell
Boren	Herrera Beutler	Rivera
Boustany	Huelskamp	Roby
Brady (TX)	Huizenga (MI)	Roe (TN)
Brooks	Hultgren	Rogers (AL)
Broun (GA)	Hunter	Rogers (KY)
Buchanan	Hurt	Rogers (MI)
Bucshon	Issa	Rohrabacher
Buerkle	Johnson (OH)	Rokita
Burgess	Johnson, Sam	Rooney
Burton (IN)	Jones	Ros-Lehtinen
Calvert	Jordan	Roskam
Camp	Kelly	Ross (FL)
Campbell	King (IA)	Royce
Canseco	King (NY)	Runyan
Cantor	Kingston	Scalise
Capito	Kinzinger (IL)	Schilling
Carney	Kline	Schmidt
Carter	Labrador	Schock
Cassidy	Lamborn	Schweikert
Chabot	Lance	Scott (SC)
Chaffetz	Landry	Scott, Austin
Coble	Lankford	Sensenbrenner
Coffman (CO)	Latham	Sessions
Cole	LaTourette	Shimkus
Conaway	Latta	Shuler
Cravaack	Lewis (CA)	Shuster
Crawford	LoBiondo	Simpson
Crenshaw	Long	Smith (NE)
Culberson	Lucas	Smith (NJ)
Denham	Luetkemeyer	Smith (TX)
Dent	Lummis	Southerland
DesJarlais	Lungren, Daniel E.	Stearns
Diaz-Balart	Mack	Stivers
Dold	Manzullo	Stutzman
Donnelly (IN)	Marchant	Terry
Dreier	Marino	Thompson (PA)
Duffy	Matheson	Thornberry
Duncan (SC)	McCarthy (CA)	Tiberi
Duncan (TN)	McCaul	Tipton
Ellmers	McClintock	Turner (NY)
Emerson	McHenry	Turner (OH)
Farenthold	McIntyre	Upton
Fincher	McKeon	Walberg
Fitzpatrick	McKinley	Walden
Flake	McMorris Rodgers	Walsh (IL)
Fleischmann	Meehan	Webster
Fleming	Mica	West
Flores	Miller (FL)	Westmoreland
Forbes	Miller (MI)	Whitfield
Fortenberry	Miller, Gary	Wilson (SC)
Foxx	Mulvaney	Wittman
Franks (AZ)	Murphy (PA)	Wolf
Frelinghuysen	Myrick	Womack
Gardner	Neugebauer	Woodall
Garrett	Noem	Yoder
Gerlach	Nugent	Young (AK)
Gibbs		Young (FL)
Gibson		Young (IN)

NAYS—179

Ackerman	Bonamici	Clarke (MI)
Altmire	Boswell	Clarke (NY)
Andrews	Brady (PA)	Clay
Baca	Braley (IA)	Cleaver
Baldwin	Brown (FL)	Clyburn
Barber	Butterfield	Cohen
Barrow	Capps	Connolly (VA)
Bass (CA)	Capuano	Conyers
Becerra	Carnahan	Cooper
Berkley	Carson (IN)	Costa
Berman	Castor (FL)	Costello
Bishop (GA)	Chandler	Courtney
Bishop (NY)	Chu	Critz
Blumenauer	Cicilline	Crowley

Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—12

Akin
Filner
Gallegly
Granger
Jackson (IL)
Jenkins
Johnson (IL)
Renacci
Ross (AR)
Ryan (WI)
Speier
Sullivan

□ 1406

Messrs. GEORGE MILLER of California, DAVIS of Illinois, and TONKO changed their vote from ''yea'' to ''nay.''

Messrs. GINGREY of Georgia and LABRADOR changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. CARNEY. Mr. Speaker, during rollcall vote No. 587 on Previous Question H. Res. 788, I mistakenly recorded my vote as "yea" when I should have voted "nay."

I ask unanimous consent that my statement appear in the RECORD following rollcall vote No. 587.

Mr. FILNER. Mr. Speaker, on rollcall 587, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. QUAYLE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 182, not voting 14, as follows:

[Roll No. 588]

YEAS—233

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Quayle
Reed
Rehberg
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—182

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wittman
Woolsey
Yarmuth

NOT VOTING—14

Akin
Filner
Gallegly
Granger
Heinrich
Jackson (IL)
Jenkins
Johnson (IL)
Posey
Renacci
Ross (AR)
Ryan (WI)
Speier
Sullivan

□ 1420

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 588, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on Thursday, September 20, 2012 I had a delay on my American Airlines flight 1342 from Chicago to Washington, D.C. due to mechanical difficulties. I missed procedural votes on ordering the Previous Question and the Adoption of the rule for Welfare Work Requirements and Stop the War on Coal.

Had I been present, I would have voted "yea" on the above stated bills.

DISAPPROVING RULE RELATING TO WAIVER AND EXPENDITURE AUTHORITY WITH RESPECT TO THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 788, I call up the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by

the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 788, the joint resolution shall be considered as read.

The text of the joint resolution is as follows:

H.J. RES. 118

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program (issued July 12, 2012, as the Temporary Assistance for Needy Families Information Memorandum Transmittal No. TANF–ACF–IM–2012–03, and printed in the Congressional Record on September 10, 2012, on pages S6047–S6050, along with a letter of opinion from the Government Accountability Office dated September 4, 2012, that the Information Memorandum is a rule under the Congressional Review Act), and such rule shall have no force or effect.

The SPEAKER pro tempore (Mr. SIMPSON). Debate shall not exceed 1 hour, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means, and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce.

The gentleman from Michigan (Mr. CAMP), the gentleman from Michigan (Mr. LEVIN), the gentleman from Minnesota (Mr. KLINE), and the gentleman from California (Mr. GEORGE MILLER) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.J. Res. 118.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.J.Res 188, a resolution to disapprove of the Department of Health and Human Services rule waiving the work requirements in the Temporary Assistance for Needy Families, or TANF, cash welfare program. The requirement that 50 percent of a State's welfare caseload work, or prepare for work, was a central part of the bipartisan 1996 welfare reforms signed into law by President Clinton. Those reforms were overwhelmingly successful in reducing welfare dependency and poverty while increasing work and earnings. Unfortunately, President Obama said that he would have opposed such reforms had he been in Congress at that time. And so on July 12 of this year the Obama administration issued an ''information memorandum'' to waive the welfare work requirements in a blatant end-run around the current Congress.

The administration's action is unlawful on two fronts. First, the welfare work requirements are contained in a section of the Social Security Act, section 407, that may not be waived according to that law. Second, the nonpartisan Government Accountability Office determined that the administration's ''information memorandum'' qualifies as a rule and therefore should have been officially submitted to the Congress for review before being issued. It was not.

Just yesterday, GAO released another report that found that HHS has never before issued any TANF waivers in the history of the program, including involving the TANF work requirements. More importantly, they found that when previous HHS Secretaries were asked about the possibility of waiving work requirements, HHS responded that ''the Department does not have authority to waive any of these provisions.'' That was the conclusion of the Clinton administration, the Bush administration, and at least, to date, the Obama administration.

When it comes to welfare work requirements, I guess we can say President Obama was for them before he was against them. Unfortunately, for the President, the American people do not agree with his original and most recent position on this issue. A recent survey shows that 83 percent support a work requirement as a condition for receiving welfare. And for good reason. The work requirement and other 1996 reforms are responsible for increasing employment of single mothers by 15 percent from 1996 to 2000, and decreasing welfare caseloads by 57 percent over the last decade-and-a-half.

But inexplicably, these results don't sit well with the Obama administration. They refuse to acknowledge their mistake and rescind their memorandum. That's why we've brought this resolution to the floor today.

Mr. Speaker, I urge my colleagues on both sides of the aisle to preserve the successful welfare work requirements and join me in passing this resolution.

I reserve the balance of my time.

Mr. LEVIN. I yield myself 3 minutes.

This bill has one purpose: to provide a fig leaf of credibility for a political attack ad that has no credibility whatsoever. Every independent fact checker has said the attack ad on the President is false. Governor Romney's claim that President Obama is eliminating work requirements for welfare recipients has been called ''a pants on fire'' lie and given four Pinocchios for dishonesty.

□ 1430

The Republican staffer, Ron Haskins, who helped draft the 1996 welfare law says the charge is baseless. I quote:

> The idea that the administration is going to overturn welfare reform is ridiculous.

Here are the facts. Any demonstration project allowed under the guidance announced by HHS would have to be designed to increase the employment of TANF recipients, would be subject to rigorous evaluation, and would be terminated if it failed to meet employment goals.

The whole administration effort is about promoting ''more work, not less,'' as eloquently stated by President Clinton, who led efforts on welfare reform.

The administration heard from State officials that if they're allowed to focus more on outcomes and less on paperwork, they can put more people to work. So HHS said to the States, including Republican Governors who asked for this: Prove it.

We may hear the majority state that HHS does not have the authority to provide waivers, but that's not the conclusion reached by the nonpartisan CRS. In fact, CRS said the current HHS waiver initiative is ''consistent with prior practice.''

And now we've heard Republicans say that TANF waivers have never been provided before now, even when requested. But here's what the GAO said about past requests:

> States were not asking for waivers to test new approaches through experimental, pilot, or demonstration projects, which would be necessary in order to get a waiver under section 1115.

In other words, in the past, States weren't asking for the waivers that HHS is allowed to provide under the law and is now offering.

At the end of the day this debate isn't about process or even policy. It's about politics, pure politics, indeed, impure politics.

This is the same Republican Party that passed their own much broader versions of welfare waivers in 2002, 2003, and 2005.

Let me read to you what the Congressional Research Service said about those bills:

> The legislation would have had the effect of allowing TANF work participation standards to be waived.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield myself an additional 30 seconds.

Guess who voted three times for the waiver of the work participation requirement in TANF? Not only the chairman of Ways and Means, but the chairman of the Budget Committee and Governor Romney's running mate, PAUL RYAN.

We should be debating today issues that matter in terms of action today, a credible jobs plan.

Instead, House Republicans, who are doing nothing on these issues, are doing something totally political, a disservice to this great institution.

I reserve the balance of my time.

Mr. CAMP. I yield myself 30 seconds only because the gentleman referred to me.

I will just say that the issue that he refers to was actually to extend the work requirements to other programs, which actually would have increased the work requirements.

Let me just say, I'm glad my friend brought up the fact checkers, because The Washington Post fact checker calls the Democrats' claims of increasing work ''a stretch,'' stating that it is not clear that ''the net result is that more people on welfare will end up working,'' and actually gave the ''eloquent speech'' by President Clinton my friend referenced two Pinocchios for saying that it would increase work by 20 percent.

At this time I would yield 2 minutes to the distinguished gentleman from Minnesota (Mr. PAULSEN), a Member of the Ways and Means Committee.

Mr. PAULSEN. Mr. Speaker, I rise today in support of H.J. Res. 118. This is a resolution that will protect welfare work requirements from executive overreach, ensuring that welfare recipients must continue to work in order to qualify for benefits.

As acting chairman of the Human Resources Subcommittee, I just want to talk real quickly about how this resolution accomplishes two very simple objectives.

First, the resolution simply affirms congressional authority over welfare programs by invalidating the overreaching HHS rule.

Back in July, HHS unilaterally granted itself the authority to rewrite the work requirements, claiming that they can approve or disapprove work rules at the State level. But that's just not how Congress intended this to work.

Both the nonpartisan Government Accountability Office and the Congressional Research Service agree that this HHS proposal is far more than guidance to States. It constitutes a new rule that must first be submitted to Congress for review before it can take effect.

Secondly, Mr. Speaker, this resolution lets States know where Congress stands on the importance of strong work requirements.

The 1996 welfare reform law, which first created these strong work requirements, was a historic bipartisan achievement. The result was a program that heavily emphasizes engaging welfare recipients in work and pro-work activities. Before the HHS guidance, States knew what the rules were. However, in the wake of this new HHS rule, it's not clear what the rules are now.

HHS seems intent now to simply make up the rules as they go along. That's what an anonymous HHS official told The Washington Post recently, describing how this policy of waiving work requirements was evolving in an ''iterative process.''

The administration's defense that these changes will strengthen the work requirements is not reassuring because it just doesn't make sense. If States want to engage more welfare recipients in work for more hours and with tougher penalties for failing to work, there's nothing that stops them from doing so under current law. They don't need a waiver to apply to do any of that.

Simple logic simply says that the HHS guidance is about weakening, not strengthening, work requirements for welfare recipients.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. PAULSEN. Mr. Speaker, we cannot allow HHS to circumvent Congress and undermine welfare work requirements.

I urge my colleagues to support the resolution.

Mr. LEVIN. I now yield 1½ minutes to the distinguished gentleman from New York, CHARLES RANGEL.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I thank you for allowing me this opportunity to participate in the Republican Presidential campaign, because that's exactly what this is.

I saw a commercial with a white guy with leather gloves on working and sweating, and, oh, God. It looked like America to me except they had something in there about President Obama wanting people who didn't want to work, that all they had to do was ask for a welfare check, and I think it had something like ''I paid for this commercial,'' or something like, ''I'm proud of it.''

This is the first time I've seen a standing committee manipulate itself to give credibility to a guy who just really doesn't know what this business is all about.

I never thought I'd be in the well talking about States' rights, but I do recognize there are different employment needs of people in Alaska and people in Hawaii, people in New York, people in Mississippi. They just don't all have the same job opportunity.

And the whole idea of asking for Governors, Republican and Democrat, to have the flexibility not to fill out forms, but to say, What's working? How are they putting people to work?

But I think the most important thing that we're forgetting is that not having a job and facing your family each and every day is more than not having a paycheck; it is not having self-esteem.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 10 seconds.

Mr. RANGEL. To believe that people who are used to working hard, having dignity, having pride in their kids, just because the candidate for President made another mistake, that we're going to have to now legislate something to show that we think he makes any sense on that issue, it is wrong, and it ain't going nowhere.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. Mr. Speaker, we're here today to head off at the pass President Obama's and the administration's attempt to gut the welfare reform work requirements. Americans don't want something for nothing. Americans want to work. Why? Because it's the American way.

But this issue is bigger than welfare. It's a skirmish in a war over America's future, the direction we're going in.

Now, under this President's watch just here in the last, what, 3½ years, the number of able-bodied adults receiving food stamps has doubled. The Federal debt is up by $5 trillion, spending on welfare up 41 percent. More debt and greater dependency. It's the wrong vision for America.

□ 1440

Now, what's happened here in the last several years—I guess the last 3 years—is opportunity has diminished.

There's a clear choice right now, Mr. Speaker. It's a choice between two futures. We can continue down this path of debt and dependency, or we can choose a different path, and that's one of opportunity and prosperity. So I thank the gentleman for bringing this bill forward because the choice before America is very clear, and we choose opportunity and prosperity for every American.

Mr. LEVIN. I yield myself 15 seconds.

I hope everybody heard that last statement. It shows someone coming down and essentially endorsing, in a broad way, the 47 percent statement, the horribly misguided statement of the Governor of Massachusetts—former Governor.

I now yield 1½ minutes to the very distinguished gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman.

Mr. Speaker, this is a paid political broadcast brought to you by the majority side of the Ways and Means Committee.

I chaired the Democratic Party position in 1996 on welfare reform. I voted for it and supported the work requirement at the behest of President Clinton. The idea was to provide child care, transportation assistance, educational assistance and child support payments, and to balance that with a work requirement. But most importantly, at the request of names like Tommy Thompson and Bill Weld, John Engler and George Pataki, their request was that in the crucible of State opportunity, that they would position themselves with some flexibility to play out the work requirement. We never moved away from the 5-year requirement.

Their suggestion was simply: let us determine how we get to the 5-year requirement through some experimentation.

So what we're doing here today is trying to offer a criticism of the President 6½ weeks before an election based upon misinformation that borders on being malevolent because of the content of what is being attempted here.

Welfare reform worked overwhelmingly, and it worked because it was a compromise in the end, but not to understate the role that Republican Governors played in bringing this issue to that experiment.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the chairman.

I for the life of me don't understand why our friends on the other side of the aisle are defensive about this. This is nothing to defend. This is to say the White House made an error in engaging substantively in downgrading work requirements for welfare. And rather than being defensive about it, say, look, they messed up. Let's not defend them; let's make sure that they don't color outside the lines.

This is not some abstract thing, Mr. Speaker. There are very serious voices that have come out, and they've made this argument that the following things are work and should be included, Mr. Speaker, under the work definitions for welfare, things like: bed rest, personal care activities, massage, exercise, journaling, motivational reading, smoking cessation, weight-loss promotion, participation in parent/teacher meetings, and helping a friend or relative with household tasks or errands.

So there are some folks that are making the argument that if you go help your neighbor rake the lawn, then somehow that's work under the welfare-to-work requirement. This is not some abstract thing. This is not something that the GOP is looking for. This is a sense of clarity that most Americans said, look, we recognize that if people need help, they should get help, but not to be manipulated through absurd definitions that are coming from who knows where—some States with a straight face that actually want to manipulate this to their benefit.

This is an area where everybody should come together. This should pass with a voice vote. This is an admonition to the White House to say: don't do this; do not weaken these work requirements. Instead, make sure that they're fast and solid and that they move people to work. But don't subsidize massage therapy and pump a lot of sunshine and tell hardworking Americans that that's work because it's not.

Let's do the right thing. Let's pass this quickly.

Mr. LEVIN. I yield myself 30 seconds.

Those statements, indeed, are an insult, an insult. That isn't what the administration has in mind. I read a letter from the Governor of Utah to the Secretary of HHS. In discussion with HHS officials, Utah suggested that:

> We be evaluated on the basis of the State's success in placing our customers in employment, while also using a full participation model. This approach would require some flexibility at the State level and the granting of a waiver.

That's what this is about. Don't massage the truth.

I now yield 1½ minutes to the distinguished gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding, and I rise in opposition to this political poppycock.

I've got a real personal interest in this issue in this legislation. When I was in the State senate, I wrote California's welfare reform legislation, and the work requirement was a major part of that. It was a bipartisan effort in California. It was signed by a Republican Governor, Pete Wilson; and today it's still being followed by Democratic Governor Jerry Brown.

Welfare reform has worked. Fifteen years later, the program caseload in California is roughly 60 percent of what it was in 1998—even in the face of this terrible recession that we're looking at today. Waivers were an important part of that, as they are in every State across the Nation. Those waivers allow flexibility to Governors to run Federal programs in the most effective and the most efficient way possible. One size does not fit all, and that's why we have these waivers. In this case, they work because they move more people from welfare to work, and that's what we want.

This bill should be roundly defeated.

Mr. CAMP. At this time, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding, and I rise in strong support of H.J. Res. 118.

The Department of Health and Human Services, in July, essentially stripped many of the provisions of the 1996 Welfare Reform Act in regard to TANF, Temporary Assistance for Needy Families, and they should not do that. They absolutely should not do that.

This resolution, of course, calls for action under the Congressional Review Act—our authority, Mr. Speaker, as Members of Congress to say, no, you cannot do this, HHS, by any kind of executive order, and we are going to challenge it. Because people, sometimes, yes, they do need a little bit of a nudge to get off welfare and onto work; but in the final analysis, these individuals have the pride of having a job. There is nothing that compares to that. And as long as you have that opportunity, I think most individuals—and as I say, some may need a little bit of a nudge—but most people would gladly embrace that opportunity.

So that's what this is all about. We're just simply saying we want to make sure that the provisions—in a very bipartisan way—President Clinton, in agreeing with Congress to have that welfare reform, it was worked out very carefully. We as a Congress will not permit those provisions to be stripped out of welfare to work. So, please, my colleagues on both sides of the aisle, join me in supporting H.J. Res. 118.

Mr. Speaker, I rise today in support of H.J. Res. 118, a bill expressing Congress's disapproval of the administration's waiving of TANF work requirements.

This legislation would utilize the Congressional Review Act to restore the welfare to work requirements of the 1996 welfare reform law that the Department of Health and Human Services unilaterally stripped in July. When President Clinton signed welfare reform into law, he said, "First and foremost, it should be about moving people from welfare to work." Mr. Speaker, the administration has absolutely no justification to waive the reforms required by this bipartisan law.

Welfare to work requirements have proven to lower poverty levels, increase earnings, and reduce government dependence. This legislation will restore the reforms that are an integral part of helping people become independent and self-sufficient.

Mr. Speaker, I urge my colleagues to support H.J. Res. 118 because we cannot allow the Administration to roll back key features of the 1996 reforms.

□ 1450

Mr. LEVIN. I now yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, the resolution before us today is an exercise in hypocrisy.

Mr. Speaker, just a few days ago, before coming down to D.C., we had a commemoration for Monsignor Vincent Puma, who started rehab for drug addicts and for those folks addicted to alcohol. One of his famous statements—he only passed 6 months ago—was: Treat each person with dignity.

With all of this talk and all that you've done, you not only make a political farce out of this—because I've heard a lot of political partisanship, which is not allowed on this floor apparently, supposedly—but you know what you do? You make people, the great majority of people who legitimately—legitimately—are on welfare and have sought a job—and have sought a job—you make them feel less than human.

But Monsignor said treat everybody, every person with dignity, and that's what this is all about.

And for you to put this sham up here in front of us only adds to the disgrace. But only if States show they will use that flexibility to increase workforce. It says it right in the law, quote and unquote.

Never mind that this is a policy that you folks on the other side of the aisle—including Mitt Romney, when he was back in Massachusetts, and our colleague, Congressman RYAN—have asked for.

I will quote the letter written by the Republican Governors Association in 2005, 8 years, at least, after the welfare reform was signed. Here's Governor Romney.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members to direct their remarks to the Chair.

Mr. PASCRELL. We're going to start with me?

The SPEAKER pro tempore. The Chair would remind Members to direct their remarks to the Chair.

Mr. PASCRELL. This is what Governor Romney signed in 2005, Mr. Speaker:

> Increased waiver authority, allowable work activities, availability of partial work credit, and the ability to coordinate State programs are all important aspects of moving recipients from welfare to work.

I didn't say it; you didn't say it; he didn't say it. Governor Romney signed the letter.

The administration's policy has nothing to do with waiving the work requirement. If anything, you're increasing the work requirement, if you read the rules and not conjecture.

This resolution would block Governors across the country from putting more people back to work. How do you like those fish?

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. It's now my pleasure to yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my friend and colleague, the ranking member, for yielding me this time.

With just days to go before the majority adjourns until after the election, there are numerous pressing bills we should be completing, but it seems that nothing will stop my colleagues on the other side of the aisle from the opportunity to spend time criticizing our President with a political stunt bill once again.

I would think that an effort to move at least 20 percent more—that's 20 percent more—people from welfare to work would be applauded by my colleagues on the other side of the aisle. That's right, an increase in employment among TANF recipients under the proposal by the President. But, instead, that bill we're considering today actually stops people from moving towards work.

Now, I know there has been a resistance to passing a jobs bill by this majority, but this is absolutely ridiculous. It's one thing not to have a jobs bill on the floor, but to have a bill on the floor that would actually say ''don't incentivize more people to find work opportunity'' just really is ridiculous.

The truth is my colleagues on the other side of the aisle seem much more interested in attacking the President than in truly working to improve programs and policies, as evidenced by the unfinished work that they are leaving behind.

I hope my colleagues will see through this charade on both sides of the aisle and will all vote ''no'' on this bill so we can get back to work on serious issues and not political gamesmanship.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, could you tell us the time that's left for us?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 2½ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 4 minutes remaining.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. I have no further speakers. I believe I have the right to close. I'm prepared to close when the gentleman is through with his speakers.

Mr. LEVIN. I yield myself the balance of my time.

You know, I think the public should ask why this resolution, why trying to provide some kind of a smokescreen for an ad that has been called a ''pants on fire lie'' and ''four Pinocchio's dishonest,'' why do that? I think the reason is very clear. This is manipulating the truth to try, I think, to appeal to the worst instincts.

I worked with Ron Haskins on welfare reform, and he says this, I quote: ''There is no plausible scenario on which it''—he means this ad—''really constitutes a serious attack on welfare reform.''

He goes on to say, ''the idea''—I repeat this—''that the administration is going to try to overturn welfare reform is ridiculous.''

And then he says, ''Republicans are the ones who talk about giving the States more flexibility. Now, all of a sudden, the States shouldn't get the flexibility because they are going to mess it up? It doesn't make sense.''

But it's worse than nonsense. It's pernicious. The ad is pernicious, and it's beneath the dignity of this House for Republicans in the House who are doing nothing on major issues to do something to try to protect the former Governor of Massachusetts, their candidate for President.

This House deserves much better than becoming a political plaything, a political plaything. It won't happen. Despite this vote, it won't happen.

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself the balance of the time.

When the bipartisan welfare reform bill was passed in 1996 and ultimately signed by President Clinton, the work requirement was a key part of that welfare bill. And the work requirement is this: that at least 50 percent of the caseload has to be engaged in work. And the principle was that, if you're able-bodied, you ought to be working if you're going to be receiving Federal benefits.

Now, the statute named 12 different things that qualify as work. Most of us think of work as going actually to employment, but there are 12 things. And a couple of them, let me just say, such as job search and job readiness actually, under current law, qualify for work. Vocational training and education qualifies for work as long as it doesn't exceed 1 year.

Also put into the statute was a clear statement that the work requirement could not be waived, because changing the paradigm on welfare was absolutely critical. And as I said in my opening statement, it has been important to reducing welfare caseloads, to bringing people to independence, to reducing child poverty. Those were all critical goals that have been met.

Let me read what Dr. Haskins, the Staff Director of the Ways and Means Committee—and I was on the Ways and Means Committee; I helped write the welfare bill; I was on the conference committee—said at that time, in terms of waivers. ''Waivers''—and this is the committee report.

Waivers granted after the date of enactment may not override provisions of the TANF law that concern mandatory work requirements.

That's because this was such an important part of the change that we were trying to bring to welfare. And it's been very successful, some might say the most successful social change that has occurred.

□ 1500

So every administration since then, whether it was the Clinton administration or the Bush administration or even at the beginning of the Obama administration, recognized that work requirements could not be waived. There is plain language in the statute in section 407 that says the work requirement cannot be waived.

Then here comes the Obama administration, through an information memorandum, that now both the GAO and the Congressional Research Service say is really a rule; and I would like to place in the RECORD both the letter of September 4 and the September 12 Congressional Research Service memorandum, both which say that the administration action was a rule.

The full CRS report I am inserting in the RECORD is available online at http://waysandmeans.house.gov/uploadedfiles/evaluating__whether__the__tanf__information__memorandum__is__a__rule__under__the__cra__redacted__5.pdf

Now comes the administration saying, Well, we don't have to go to Congress to change the law. Even though Congress voted on this in a bipartisan way and this was a critical piece of major legislation, we're just going to send in an information memorandum and have unelected bureaucrats change the law of the land.

People who sort of referee things around here, like the GAO and CRS, said, No. Hold it. Stop. This is not an information memorandum. This is a rule.

If an administration wants to promulgate a rule, there are certain criteria that they have to follow. The reason is that unelected people are making law. So, in order to do that, they have to inform the Congress, and they have to do certain things, none of which the administration did. Let me read a piece of this information memorandum:

Projects that test systematically extending the period in which vocational education training or job search-readiness programs count toward participation rates, either generally or for particular subgroups, such as an extended training period.

Under the law I just said, vocational training can only last a year. This information memorandum reads you can be in training for longer than a year. Number one, that is weakening the work requirement. Number two, they did not follow the law by notifying the Congress. They need to go back, and they need to issue a rule.

Frankly, if this is that important to them, come engage the Congress. There has been no consultation. There has not been one staff person from HHS who has come up and had an opportunity to brief any of us on this. I am willing to work with the administration. I'd like to hear their ideas. I'd like to have that opportunity to do so. I think it is regrettable that we've gotten to this point, but we've gotten to this point because there has been a mistake. They made a mistake, and they need to withdraw that.

I urge that we support the resolution. This is too important to have unelected bureaucrats make the law of the land.

I yield back the balance of my time.

GOVERNMENT
ACCOUNTABILITY OFFICE,
Washington, DC, September 4, 2012.

Hon. ORRIN HATCH,
Ranking Member, Committee on Finance, U.S. Senate.
Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, House of Representatives.

By letter of July 31, 2012, you asked whether an Information Memorandum issued by the Department of Health and Human Services (HHS) on July 12, 2012 concerning the Temporary Assistance for Needy Families (TANF) program constitutes a rule for the purposes of the Congressional Review Act (CRA). The CRA is intended to keep Congress informed of the rulemaking activities of federal agencies and provides that before a rule can take effect, the agency must submit the rule to each House of Congress and the Comptroller General. For the reasons discussed below, we conclude that the July 12, 2012 Information Memorandum is a rule under the CRA. Therefore, it must be submitted to Congress and the Comptroller General before taking effect.

BACKGROUND

The Temporary Assistance for Needy Families block grant, administered by the U.S. Department of Health and Human Services, provides federal funding to states for both traditional welfare cash assistance as well as a variety of other benefits and services to meet the needs of low-income families and children. While states have some flexibility in implementing and administering their state TANF programs, there are numerous federal requirements and guidelines that states must meet. For example, under section 402 of the Social Security Act, in order to be eligible to receive TANF funds, a state must submit to HHS a written plan outlining, among other things, how it will implement various aspects of its TANF program. More specifically, under section 402(a)(1)(A)(iii) of the Social Security Act, the written plan must outline how the state will ensure that TANF recipients engage in work activities. Under section 407 of the Social Security Act, states must also ensure that a specified percentage of their TANF recipients engage in work activities as defined by federal law.

In its July 12 Information Memorandum, HHS notified states of HHS' willingness to exercise its waiver authority under section 1115 of the Social Security Act. Under section 1115, HHS has the authority to waive compliance with the requirements of section 402 in the case of experimental, pilot, or demonstration projects which the Secretary determines are likely to assist in promoting the objectives of TANF. In its Information Memorandum, HHS asserted that it has the authority to waive the requirement in section 402(a)(1)(A)(iii) and authorize states to ''test approaches and methods other than those set forth in section 407,'' including definitions of work activities and the calculation of participation rates. HHS informed states that it would use this waiver authority to allow states to test various strategies, policies, and procedures designed to improve employment outcomes for needy families. The Information Memorandum sets forth requirements that must be met for a waiver request to be considered by HHS, including an evaluation plan, a set of performance measures that states will track to monitor ongoing performance and outcomes, and a budget including the costs of program evaluation. In addition, the Information Memorandum provides that states must seek public input on the proposal prior to approval by HHS.

ANALYSIS

The definition of ''rule'' in the CRA incorporates by reference the definition of ''rule'' in the Administrative Procedure Act (APA), with some exceptions. Therefore, our analysis of whether the July 12 Information Memorandum is a rule under the CRA involves determining whether it is rule under the APA and whether it falls within any of the exceptions contained in the CRA. The APA defines a rule as follows:

''[T]he whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing[.]''

This definition of a rule has been said to include ''nearly every statement an agency may make.''

The CRA identifies 3 exceptions from its definition of a rule: (1) any rule of particular applicability; (2) any rule relating to agency management or personnel; or (3) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3).

The definition of a rule under the CRA is very broad. See B–287557, May 14, 2001 (Congress intended that the CRA should be broadly interpreted both as to type and scope of rules covered). The CRA borrows the definition of a rule from 5 U.S.C. 551, as opposed to the more narrow definition of legislative rules requiring notice and comment contained in 5 U.S.C. 553. As a result, agency pronouncements may be rules within the definition of 5 U.S.C. 551, and the CRA, even if they are not subject to notice and comment rulemaking requirements under section 553. See B–316048, April 17, 2008 (the breadth of the term ''rule'' reaches agency pronouncements beyond those that require notice and comment rulemaking) and B287557, cited above. In addition to the plain language of the CRA, the legislative history confirms that it is intended to include within its purview almost all rules that an agency issues and not only those rules that must be promulgated according to the notice and comment requirements in section 553 of the APA. In his floor statement during final consideration of the bill, Representative McIntosh, a principal sponsor of the legislation, emphasized this point:

''Although agency interpretive rules, general statements of policy, guideline documents, and agency policy and procedure manuals may not be subject to the notice and comment provisions of section 553(c) of title 5, United States Code, these types of documents are covered under the congressional review provisions of the new chapter 8 of title 5.

Under section 801(a), covered rules, with very few exceptions, may not go into effect until the relevant agency submits a copy of the rule and an accompanying report to both Houses of Congress. Interpretive rules, general statements of policy, and analogous agency policy guidelines are covered without qualification because they meet the definition of a 'rule' borrowed from section 551 of title 5, and are not excluded from the definition of a rule.''

On its face, the July 12 Information Memorandum falls within the definition of a rule under the APA definition incorporated into the CRA. First, consistent with our prior decisions, we look to the scope of the agency's action to determine whether it is a general statement of policy or an interpretation of law of general applicability. That determination does not require a finding that it has general applicability to the population as a whole; instead, all that is required is that it has general applicability within its intended range. See B–287557, cited above (a record of decision affecting the issues of water flow in two rivers was a general statement of policy with general applicability within its intended range). Applying these principles, we have held that a letter released by the Centers for Medicare and Medicaid Services to state health officials concerning the State Children's Health Insurance Program (SCHIP) was of general applicability because it extended to all states that sought to enroll children with family incomes exceeding 250 percent of the federal poverty level in their SCHIP programs, as well as all states that had already enrolled such children. Similarly, the July 12 Information Memorandum is of general, rather than particular, applicability because it extends to all states administering Temporary Assistance for Needy Families (TANF) programs that seek a waiver for a demonstration project.

Next we must determine whether the action is prospective in nature, that is, whether it is concerned with policy considerations for the future and not with the evaluation of past conduct. In B–316048, we held that the SCHIP letter was intended to clarify and explain the manner in which CMS applies statutory and regulatory requirements to states that wanted to extend coverage under the SCHIP programs. Similarly, the July 12 Information Memorandum is concerned with

authorizing demonstration projects in the future, rather than the evaluation of past or present demonstration projects. Specifically, the Information Memorandum informs states that HHS will use its statutory authority to consider waiver requests, and sets out requirements that waiver requests must meet. Accordingly, it is designed to implement, interpret, or prescribe law or policy.

In addition, the Information Memorandum does not fall within any of the three exclusions for a rule under the CRA. As discussed above, the Information Memorandum applies to all states that administer TANF programs, and therefore is of general applicability, rather than particular applicability. The Information Memorandum applies to the states, and does not relate to agency management or personnel. Finally, the Information Memorandum sets out the criteria by which states may apply for waivers from certain requirements of the TANF program. These criteria affect the obligations of the states, which are non-agency parties.

GAO has consistently emphasized the broad scope of the definition of ''rule'' in the CRA in determining the applicability of the CRA to an agency document. Other documents deemed to be rules include letters, records of decision, booklets, interim guidance, and memoranda. See, for example, B–316048, April 17, 2008 (a letter released by the Centers for Medicare & Medicaid Services of HHS concerning a State Children's Health Insurance Program measure, to ensure that coverage under a state plan does not substitute for coverage under group health plans, described by the agency as a general statement of policy, was a rule) and B–287557, May 14, 2001 (a ''record of decision'' issued by the Fish and Wildlife Service of the Department of the Interior in connection with a federal irrigation project was a rule).

Finally, the cases where we have found that an agency pronouncement was not a rule involved facts that are clearly distinguishable from the July 12 Information Memorandum.

We requested the views of the General Counsel of HHS on whether the July 12 Information Memorandum is a rule for purposes of the CRA by letter dated August 3, 2012. HHS responded on August 31, 2012, stating that the Information Memorandum was issued as a non-binding guidance document, and that HHS contends that guidance documents do not need to be submitted pursuant to the CRA. Furthermore, HHS notes that it informally notified Congress by providing notice to the Majority and Minority staff members of the House Ways and Means Committee and Senate Finance Committee on the day the Information Memorandum was issued.

We cannot agree with HHS's conclusion that guidance documents are not rules for the purposes of the CRA and HHS cites no support for this position. The definition of ''rule'' is expansive and specifically includes documents that implement or interpret law or policy. This is exactly what the HHS Information Memorandum does. It interprets section 402(a) and section 1115 to permit waivers for a demonstration program HHS is initiating. We have held that agency guidance, including guidance characterized as non-binding, constitutes a rule under the CRA. See B–281575, cited above. In addition, the legislative history of the CRA specifically includes guidance documents as an example of an agency pronouncement subject to the CRA. A joint statement for the record by Senators Nickles, Reid, and Stevens, submitted to the Congressional Record upon enactment of the CRA, details four categories of rules covered by the definition in section 551. These categories include formal rulemaking under sections 556 and 557, notice-and-comment rulemaking under section 553, statements of general policy and interpretations of general applicability under section 552, and ''a body of materials that fall within the APA definition of a 'rule' . . . but that meet none of procedural specifications of the first three classes. These include guidance documents and the like.'' Finally, while HHS may have informally notified the cited Congressional committees of the issuance of the Information Memorandum, informal notification does not meet the reporting requirements of the CRA.

CONCLUSION

We find that the July 12 Information Memorandum issued by HHS is a statement of general applicability and future effect, designed to implement, interpret, or prescribe law or policy with regard to TANF. Furthermore, it does not come within any of the exceptions to the definition of rule contained in the CRA. Accordingly, the Information Memorandum is a rule under the Congressional Review Act.

We note that this opinion is limited to the issue of whether the Information Memorandum is a rule under the CRA. We are not expressing an opinion on the applicability of any other legal requirements, including, but not limited to, notice and comment rulemaking requirements under the APA, or whether the Information Memorandum would be a valid exercise or interpretation of statutes or regulations.

Accordingly, given our conclusions above, and in accordance with the provisions of 5 U.S.C. §801(a)(1), the Information Memorandum is subject to the requirement that it be submitted to both Houses of Congress and the Comptroller General before it can take effect.

If you have any questions concerning this opinion, please contact Edda Emmanuelli Perez, Managing Associate General Counsel at (202) 512–2853.

LYNN H. GIBSON,
General Counsel.

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.J. Res. 118, a resolution disapproving the Obama administration's attempt to roll back successful welfare reforms. The resolution we are considering today is quite simple. It preserves bipartisan policies that serve low-income families, and it reins in this latest example of executive overreach by this administration.

In 1996, a Republican Congress worked with a Democratic President to fix a broken welfare system. By promoting work as a central focus of helping individuals achieve self-sufficiency, this bipartisan achievement reduced poverty and strengthened the income security of millions of needy families. The success of the law is a testament to the power of work and personal responsibility as well as what we can achieve when both sides work together in good faith. Unfortunately, the bipartisan spirit of welfare reform has been tarnished by the Obama administration's decision to waive the historic work requirements, ending welfare reform as we know it.

While this action is troubling, it isn't surprising. The President has a track record of weakening work requirements in other Federal programs, including with unemployment benefits and food stamps. The results have been disappointing. A memo by the Congressional Research Service notes the number of able-bodied adults on food stamps doubled—that's right, doubled—after the President suspended the program's work requirement, and now we are supposed to believe a similar experiment will help families on welfare.

This is also not the first time the President has been guilty of executive overreach. The Obama administration has coerced States to adopt its education agenda through conditional waivers, ignoring congressional efforts to reauthorize the law. Now States and schools face more uncertainty than ever about the future of our Nation's education system, and they remain tied to a broken law. Additionally, the President has announced which immigration laws he will and will not enforce, and has installed unconstitutional, nonrecess recess appointments to the National Labor Relations Board.

Despite all of these heavy-handed attempts to advance the President's agenda, 23 million workers are still searching for a full-time job, and 46 million Americans are still living in poverty. Too many of our fellow citizens are unemployed and trapped in poverty, not because of failed welfare policies but because of President Obama's failed leadership. If the President had ideas for enhancing flexibility in welfare policies, he must submit those proposals to Congress and work with us to change the law. He has not done that. Instead, he has chosen to adopt a controversial waiver scheme that rewrites law through executive fiat.

The good news is we have an opportunity today to tell the President: Stop. Stop rewriting Federal law behind closed doors. Stop promoting schemes that undermine personal responsibility and that encourage government dependency. Stop advancing failed policies, and start working with Congress on positive solutions that will grow our economy and great jobs. The American people desperately need and expect as much from their elected leaders.

I urge my colleagues to support H.J. Res. 118 and to take a stand against the President's effort to roll back reforms that continue to lift families out of the poverty.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 4 minutes.

The House meets today to spend time debating a resolution that is on a purely fabricated problem. Rather than focusing on the real problems facing American families, we are, instead, focusing on a resolution of disapproval—a resolution that does not create a single job.

In July, the administration announced a waiver process under the welfare law that would allow Governors to use innovative approaches to move more welfare recipients into employment. Immediately, Washington Republicans claimed the waiver would

gut the welfare reform; but fact checker after fact checker has publicly discredited attempts to characterize the waiver as going soft on work requirements, and we are still waiting for the majority to show us exactly where the administration's waiver proposal eliminates the work requirement.

Even the Republican staff director of the Ways and Means Committee subcommittee at the time of the 1996 welfare reform law says that these claims are false. In fact, the administration has even clarified the rules, writing that no State will get a waiver unless it shows an increase in employment of 20 percent.

Actually, the Republican position here is fairly consistent. They haven't done anything here to create new jobs. They're against welfare recipients getting jobs, and they're against Governors increasing employment opportunities by 20 percent. So I guess we now know, in these last waning days of session, that the Republican Party here is against all jobs. No matter who is standing in line for the jobs, they're against those jobs even though the Republican Governors have petitioned for the right to change the welfare law so they can put more people to work. The administration says you can do that if you put 20 percent more people to work. Imagine putting 20 percent more people to work on the welfare rolls of California or New Jersey or Texas, but the Republicans say no.

The Republican Governors and Democratic Governors asked for this authority in 2002, 2003, and 2005, and the House passed a much broader waiver authority in trying to give the Governors, if you will, State flexibility. That's what they were asking for, but now all of a sudden, in this political year, their candidate is running a little behind, so we see this as an effort to try to attack the President of the United States for doing exactly what the Republican Governors and what the Republicans in Congress have done and have voted on and passed.

As President Clinton says, it takes brass to denounce something that you, yourself, have already supported. The hypocrisy doesn't stop there, but you've got to have a lot of hypocrisy when you're defending a candidate who believes in everything and stands for nothing.

Just weeks before the administration announced its waiver process, the Republican Workforce Investment bill was reported out of my committee. The mantra of the Republicans all through that bill and all through the consideration over the last couple years has been ''State flexibility.'' Well, they accomplished it in this bill. It provides so much State flexibility that the State with an approved unified workforce training plan can, at the State's discretion, eliminate all work requirements from TANF. It passed out of the Education and the Workforce Committee on a partisan vote, with all Republicans supporting that effort to let Governors eliminate all work requirements.

So this debate is a little bit behind the times and is probably not dealing with the serious problem, which is the reauthorization of the Republican Workforce Incentive Act. What a difference a few weeks and a convention make, and here we are using the valuable time of this House before we go to adjournment to carry out a political prank—a manufactured problem, a fabricated problem—based upon fabricated facts. Yet still we don't see ourselves dealing with the questions of middle class tax cuts, and we don't see ourselves dealing with jobs bills that we've been asking for time and again while this Congress has been in session.

□ 1510

It's a sad way to end this session of the Congress of the United States without providing the access to those jobs that this Congress could have been providing throughout this entire year to strengthen the economy. Then again, as the Senate leader has said, they don't want to work with this President. They want him to fail. And for him to fail, that means the American people can't have jobs. That's the goal here.

With that, I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I'm pleased now to yield 2 minutes to a distinguished member of the committee, the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I want to thank the chairman for yielding time.

Mr. Speaker, it is unfortunate that our colleagues across the aisle are attempting to paint Republicans as inconsistent on welfare work requirements to distract from their position in favor of undermining successful welfare reforms. They suggest that the Workforce Investment Improvement Act, WIIA, that I offered with my colleagues, Representatives BUCK MCKEON and JOE HECK, would gut the 1996 TANF work requirements. That is so far from the truth.

WIIA would neither contradict nor supplant the 1996 work requirements. The WIIA legislation allows Governors to reduce the number of redundant taxpayer subsidized employment and job training programs and offer real assistance to the millions of Americans who are unemployed and suffering because of the policies of this administration. WIIA would reduce inefficiencies and have States administer these programs, not undermine welfare reform. Republicans have a clear record of strengthening the work requirements at the heart of the 1996 welfare reform bill, and we have a record of working with a Democrat President to accomplish that reform.

I urge my colleagues to stand with us and with the 83 percent of Americans who want to see welfare's work requirements upheld by voting in favor of this resolution.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I'm sure America has been watching the ads. The ads say that black is white, and they say it over and over and over and over again. And they hope the American people believe that black is white.

But it's not enough for them to say it on ads, now they bring it to this floor in the last 7 hours of the session of Congress before the election. Are we dealing with jobs? No. Are we dealing with violence against women? No. Are we dealing with farmers who are in distress? No. Are we dealing with middle class tax cuts? No. Are we dealing with postal reform as the postal department goes broke? No. What are we doing? We are trying to reaffirm an ad that some people are spending tens of millions of dollars on to misrepresent the facts.

Mr. Speaker, black is not white. I can say it one time, a hundred times, a thousand times: black is black, and white is white. This action the administration has taken is to produce more jobs, more work to get more people back to work. How? To respond to Republican Governors and Democratic Governors who say, I have a better way of doing it. By the way, that's what you proposed when you were in charge and we had President Bush in office on at least the three occasions that the chairman has just mentioned.

White is not black, and black is not white.

Mr. Speaker, the bill before us today exemplifies the do-nothing Republican Congress. Once again, Republicans are choosing to focus on a political message over serious issues like jobs, middle class tax cuts, or the farm bill. Instead, we're here today discussing a Republican bill that misrepresents the facts in an attempt to simply score political points. How sad for the American people.

At issue is the Temporary Assistance for Needy Families program which was created in 1996 when Republicans and Democrats worked together to achieve welfare reform. So you understand on that side of the aisle, I was a Democrat who voted for welfare reform. I was a Democrat who said we ought to expect people to work if they can work. I'm also a Democrat that says we have to help people when through no fault of their own they can't work or have lost work.

The previous speaker talked about how we weren't concerned about jobs. In the Bush administration, 4.4 million jobs were lost in the last 12 months of the Bush administration. Over the last 30 months, we've created 4.6 million jobs. I ask you, who cares about jobs? Who creates jobs? There were, of course, 22 million jobs created in the Clinton administration. We heard a lot of talk about that at our convention. I didn't hear anything about the Bush administration at the Republican convention. George Bush was not there, he was not mentioned, and the record was

certainly hidden. We care about jobs. We care about people getting to work. We also care about helping people. We can do both.

Defeat this bill.

Black is not white, and white is not black.

Mr. KLINE. Mr. Speaker, at this time, I'm pleased to yield 3 minutes to a member of the committee, the subcommittee chair, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Thank you, Mr. Chairman.

There has been 8 percent unemployment for 43 straight months. I think the record speaks for itself.

I come from the great State of Michigan, where a Governor, like a number of others in this great country, now is trying to do everything possible to undermine the malaise that is going on with lack of employment in this country because of the wrong approach to helping people with the dignity of work.

In the eighties and nineties in Michigan, we struggled with high unemployment. We struggled with a welfare system that was putting people really in servitude, and in many cases against their own will and their own desires. They wanted to work.

I still have at my home office copies of leaflets that were handed to people coming from other States to Michigan because it said you can cross the line and immediately get welfare assistance with no work requirements and no residency requirements. We struggled with that.

Then in 1994, under a Republican administration and through the efforts of many of us, we put through what we called ''workfare-edufare reform'' and promoted the dignity of individuals with an opportunity to work. We saw amazing results begin to take place not overnight, but almost. We heard testimonies of people who were formerly on welfare assistance saying, I didn't really think it would work, but I can now say on my own I am paying for my own way and my kids. I have got an education. I have got work now that gives me dignity. And I'm moving forward.

We've continued on with that. And now here, when Governors have asked for some flexibility with TANF—not asking for the removal of work requirements—we're going to do that. Well, I said ''no,'' and I'm glad our committee has said ''no,'' and we've moved forward with this resolution that speaks to the dignity and the value of individuals, but also of the work experience, the educational experience, and training for that.

We don't want to move backwards. We don't want to put further roadblocks in the way of achieving all that America and its dream can be. We don't have to. We can support a resolution like this. We can spur our President, this administration, on to doing the right thing for the right people. That's the American people, people that will work with dignity and achieve things for the future.

This country is great. Let's work together. Let's pass this resolution, H.J. Res. 118.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

□ 1520

Mr. ANDREWS. I thank my friend for yielding. Ladies and gentlemen of the House, this resolution repeals a rule that doesn't exist and ignores some problems that really do exist.

The policy from the Department of Health and Human Services says this: if a Governor thinks he or she has a better way to move people from welfare to work as two Republican Governors have asked for since that time, they can get a waiver from some of the rules in the welfare law if, and only if, they move more people from welfare to work than they otherwise would have done. The bill that the majority did report out of committee abolishes the work requirement.

In fact, the only way to save the work requirement is to let this rule go into effect. That's the illusionary rule they are trying to repeal for the real problems that concern us, though.

If you're a small business person that would like to have a tax cut when you create jobs, the House is ignoring that problem because we're not voting on that bill today. If you're a teacher or a police officer who's been laid off in the last 2 years, the House is ignoring your problem because we're not voting on that bill today.

If you're an engineer or construction worker who would like to go to work building roads or bridges or trains, the House is ignoring your problem because we're not voting on that bill today.

This resolution repeals an imaginary rule at a time of real, acute, and serious problems for the American people. The majority does have a plan to deal with those problems. They're going home for 6½ weeks. The American people shouldn't have to wait for 6½ weeks to solve these problems.

We should vote down this bill, stay on the job and pass jobs legislation that really helps the American people and a farm bill that helps American farmers.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to a member of the committee, the subcommittee chairman of the Health Subcommittee, the gentleman from east Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of H.J. Res. 118. This resolution will express Congress's disapproval of the Obama administration's attempt at weakening bipartisan welfare reform and prevent the administration from implementing their plan to waive the work requirements of the current law.

Sixteen years ago, a Republican-led Congress worked with President Clinton to fix a broken welfare system, a bipartisan law that resulted in the Temporary Assistance for Needy Families block grant. Our ranking member said there is about a 20 percent requirement to increase work, and I think that's a great idea. But how do you define work?

Well, the GAO in 2005 issued a report that said some States counted work as such activities as bed rest, personal care, massage, exercise, journaling, motivational reading, smoking cessation, weight-loss promotion, helping a friend with a household task or running errands.

That makes a mockery of work, and that doesn't pass the laugh test. Independents, Democrats, and Republicans in our area of the country know what work is, and that isn't it.

Since then, since the passage of the law, a number of individuals have dropped off the welfare, a 57 percent decrease. The poverty level among single women dropped by 30 percent while their income and earnings increased. More than 80 percent of the people in this country support work requirements in the welfare reform bill, and this legislation ensures that the hard work of the 104th Congress and President Clinton isn't weakened by the Obama administration.

Let me speak to my friend, Mr. ANDREWS, for just a moment. It's a great idea to hire teachers and firefighters. I've done that as a mayor of a city of 60,000 people. Democrats have it just backwards. What you do is you create a work environment with decreased regulations and decreased government interference where the private sector can go out and create the jobs that create the taxes that pay for all of these services that we want.

That's what we did. It works, and that's a very basic difference in philosophy.

Mr. GEORGE MILLER of California. I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Well, here we are, Mr. Speaker, 24 hours before the majority closes shop and sends us home for 7 weeks, and what are we debating?

Are we talking about creating jobs for families who are struggling to make ends meet and wondering what happened to the American Dream? No, of course not. Instead, we're taking up yet another divisive partisan measure that will do nothing to kick-start the economy or help people who have been kicked in the teeth by this recession.

The Obama administration's TANF waivers promote work. They allow States the flexibility. For example, they allow States to consider education as work, providing education and training, to move people off welfare so that they can find jobs that actually pay a living wage so they can support their families.

Mr. Speaker, I've been on public assistance. I know what it's like. It's a bad, bad feeling. It doesn't make you proud. I did it because I had to, certainly not because I wanted to.

I would wake up in the middle of the night frozen in fear of what would happen if one of my three children, they were 1, 3 and 5 years old, got ill. What if they broke an arm. They were rowdy little kids. What if they grew out of their shoes before I planned to buy new shoes? It was a very scary time.

The day that I went off welfare was the day that I celebrated because I didn't need it. I could stand on my own two feet. But I guess we shouldn't be surprised by this debate. The majority party's current standard bearer has said he believes 47 percent of the American people are essentially—and that would have been me back there with my children—freeloaders and parasites who don't take responsibility for themselves. That's outrageous and it is class warfare.

Denigrating the poor and the middle class is a favorite strategy on the right. It should be creating jobs, but it doesn't seem to be the way they go.

I would like to suggest, Mr. Speaker, that we stop all this tomfoolery and we think about the people in this country. We know we have a job to do, and that job should be done before we leave here.

Mr. KLINE. Mr. Speaker, may I inquire as to how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Minnesota has 5½ minutes remaining, and the gentleman from California has 3½ minutes remaining.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. I thank the chairman. Mr. Speaker, some of our colleagues on the other side of the aisle wish to change the law, and that's fine. They just need to do it navigating this testy little thing we call the Constitution and respect the separation of powers between the various branches.

Mr. Speaker, I want to read the proposed rule to you in part: HHS has the authority to waive compliance with this work requirement and authorize the State to test approaches and methods other than those set forth in section 407, including definitions of work activities and engagement, specify limitations and verification procedures.

Then the next sentence, Mr. Speaker, is essentially this, and I'll paraphrase it; it's by the HHS Secretary: trust us, trust us that we're going to have the right motives when we weigh what Congress has expressly said to do.

To my lawyer friends on the other side, I would ask you this, why do we have something called substantive due process and procedural due process? I'll tell you why, Mr. Speaker. Because the way things are done matters. For my friends who prefer literature, the end does not justify the means.

We have separation of branches under our system of government. Among my many limitations, Mr. Speaker, is an inability to deign the motives of other people. Their motives may be laudatory. I don't know that. I know this. We have a process in this country which must be followed, and this President has repeatedly said if Congress won't do it, I will do it alone.

Mr. Speaker, the answer to that is, no, sir, you will not. In a democracy you will not do it alone, whether it's the NLRB or EPA or most recently HHS with the health care mandate or now with this.

□ 1530

There has been an erosion of Congress' authority and we have ceded it to the executive branch. And I will say this to my colleagues on the other side of the aisle. Mr. Speaker, the sun does not always shine on the same people all the time. There will come a time where there will be a Republican chief executive. So I would be careful about ceding this body's responsibility to the executive branch. And when that time comes, when there is a Republican President, I will stand up for the right of Congress to make the laws and not the executive branch, just as I am now.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is all interesting, except the fact is there's nothing in what the Secretary of Health and Human Services has proposed that's inconsistent with the Republican position over the years, with the Bush administration position over the years, with the Clinton administration position over the years and the Obama administration position over the years, and that is that when they passed historic welfare reform there would be an authority in there so, as the Governors lived with this over time, they could make adjustments. And that's why we keep reciting to the various instances when Governors have asked for this—29 Governors of both parties, a couple of Republican Governors recently—asking for this authority, because they thought they had a better way to put it to work.

It's rather interesting today that one of the questions is whether or not we would extend the education time so people can get the proper credentials, the proper training for a job. Many people have been unemployed now for a couple of years from a job that may not be coming back and the skills they have need to either be updated or they have to learn new skills to get the job that's available in their locality or maybe a ways down the road.

It's also interesting that the Business Roundtable is in Washington this week talking about this exact problem: How do we develop those new skills because of the skills mismatch that exists in this country today for hundreds of thousands of jobs that are available, but apparently the skills are not there?

Now, I wonder if that skills training so that that person can get a job in a good industry and a good job, what if that takes 13 months as opposed to 12 months or what if it takes 8 months instead of 6 months? Why don't we live with the Governors having the flexibility if they believe that's the economic plan for their arrangement?

We see consortiums now, because of the Higher Ed Act, coming together—community colleges, State universities, manufacturing consortiums, employer consortiums—developing the programs to develop the skills for the American workforce. And some of that is inconsistent with the requirements under this law, and that's why Governors who want to move to the future came and asked for that relief. And that waiver authority exists in the Social Security Act. That waiver authority is explicitly for this purpose.

But in the name of politics, we're going to deny those States that are struggling, those Governors that are struggling, with the ability to do this. And under the rules, as the memorandum has suggested, they would have to show a very substantial increase in moving people from welfare to work. Supposedly, that's the goal of everybody who's a Member of this body, but politics is has overwhelmed that.

If you had these concerns, we could have fixed it and moved on with getting people off of welfare to work. But we will leave here with some kind of political statement, a hollow political victory that means nothing except that those people will still be waiting to get off of welfare and go to work. The Governors will still be waiting to implement the program to get them off of welfare and go to work. And the Congress will go home.

In the face of the desperate need of these people to acquire these skills to improve their talents, to provide for these families, to feed their kids, to educate them, to provide for health care, the Congress will go home. It won't give the Governors this authority because it'll look bad for their Presidential candidate. They won't give the Governors this authority because they can score a point here. Those Governors weren't trying to score a point. They were trying to score some jobs. They were trying to score some jobs for their citizens.

But political games are going to win out here because the clock is running out on this Congress. So we could have helped those Governors. You could have tweaked this so you could have said you change from what President Obama wanted, and we could have gone on and people could have had opportunity in America. You keep saying you're for it, you just don't get around to providing it.

I yield back the balance of my time.

Mr. KLINE. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. KLINE. I have got a number of issues to address here. We've heard so much in a relatively short period of time here.

We heard from some of our colleagues that we haven't brought a jobs

bill. My colleagues on both sides of the aisle know very well that we have brought many jobs bills. In fact, over 30 of them have passed this House—most of them in a bipartisan way—and are sitting in the Senate. We just don't happen to believe that trillions more of borrowed money to jump-start the economy is a jobs bill. That's been proven to fail. This, in fact, is a jobs bill because we want people on welfare to get to work.

And so we've heard that, no, this information memorandum, which has been now correctly determined to be a rule—an information memorandum designed to bypass Congress—will in fact weaken the work requirements. And so how do we draw that conclusion? From a number of things.

One, we're very concerned about the definition of ''work.'' We've heard the number, 20 percent increase. It actually means instead of 1.5 percent of people leaving with a ''job'' that we still haven't quite defined, apparently, we'd have 1.8 percent. Not an overwhelming number. And then we have the nonpartisan, ever-present Congressional Budget Office that has joined us with this opinion. Under the memorandum:

CBO expects the penalties for States that don't meet the work requirements specified in the Social Security Act would be reduced.

It sounds like waiving work requirements to me. And they go on:

Thus, CBO estimates that enacting Resolution 118 would reduce direct spending by $59 million over the 2012–2022 period, as some States would pay increased penalties to the Federal Government for failing to meet the work requirements.

The work requirements in section 407, which the Congress explicitly said may not be waived.

And we heard from the other side that Republicans in the committee, including the chairman, voted for the Workforce Investment Improvement Act, which waives all work requirements. We disagree with that. We disagree with that. Even the CRS concedes that the purpose of the provision in that bill is to reduce administrative inefficiencies, not to gut welfare reform.

But we have some disagreement. It could be controversial. In an open system, an open process, we can address that question when it comes to the floor of the House; and if there is confusion, we can make it crystal clear that we do not want to waive work requirements that have been so important to the success of welfare reform. We're here today because the President decided he would exercise power he does not have in order to waive welfare work requirements Congress has said must not be waived.

I urge my colleagues to join me in support of this important piece of legislation, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, is it possible that I missed some fundamental shift in philosophy during the Republican Convention last month? I thought my Republican colleagues actually favored states' rights and empowering our governors. I thought my Republican colleagues wanted to eliminate ''job killing'' government regulations. I thought my Republicans colleagues were focused on the economy and putting people back to work.

Well, the Obama Administration's proposal to grant waivers to states under the Temporary Assistance for Needy Families program would do those very things. It will reduce some of the more burdensome regulations associated with TANF, it will provide states with the flexibility they have been seeking to pursue more innovative strategies, and it will set a standard requiring participating states to move 20% MORE people from welfare to work.

That sounds like a JOBS bill to me . . . and a bipartisan one no less. Republican governors from Utah and Nevada recently requested these waivers, and 29 Republican Governors, including Governor Romney, have sought this kind of flexibility in the past. If that weren't enough, some of my Republican colleagues even voted to grant similar waivers when they were proposed by fellow Republicans in 2002, 2003 and 2005.

So why then are my Republican colleagues not supporting this common-sense, bipartisan proposal? Because it undermines their election-year narrative for attacking the President—a narrative on this very issue that multiple fact checkers have labeled as bogus.

This resolution of disapproval is nothing more than an exercise in crass political cynicism. If my Republican colleagues were serious about helping the economy, we'd be celebrating this as a bipartisan accomplishment that will put more people back to work. Instead they will vote against their own principles just to deny this President any semblance of a victory . . . even if it means keeping people out of work. You know, I had a friend who once said, ''If you're going to be a phony, at least be sincere about it.'' No wonder the American people view this Republican Congress with such disdain. I urge my colleague to reject this resolution.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong opposition of H.J. Res. 118. This resolution expresses opposition to a condition that does not exist. Republicans, led by their presidential nominee, have been spreading the falsehood that the Obama administration has weakened the work requirement of the Welfare Reform Act of 1996, one of the landmark achievements of the Clinton administration. The claim is false, and has been conclusively refuted by the foremost authority on welfare reform, former President Bill Clinton himself.

Here is what really happened. When some Republican governors asked for waivers to try new ways to put people on welfare back to work, the Obama administration listened. The administration agreed to give waivers to those governors and others only if they had a credible plan to increase employment by 20 percent, and they could keep the waivers only if they did increase employment. As noted by President Clinton, the waivers actually ''ask for more work, not less.''

The claim that the administration weakened welfare reform's work requirement is just not true. This is simply a political stunt for the fall campaign that wastes precious time that could be spent working together on solutions for the real problems confronting American families like creating jobs and strengthening the economy.

Mr. Speaker, it seems to me that H.J. Res. 118 is purely a messaging bill and not a bill for the American people. This is an effort to distract Americans from the Republicans' dismal job record. Republicans should be passing the administration jobs package, middle class tax cuts, and a comprehensive deficit deal to stop sequestration instead of engaging in this election-year maneuvering as they leave town. This bill is a waste of time and shouldn't have been introduced on the floor. I strongly oppose H.J. Res. 118 and urge my colleagues to do so as well.

Mr. DINGELL. Mr. Speaker, I rise today in strong opposition to the resolution of disapproval before us today. Yet again, the House is wasting valuable time considering a resolution that is not about good policy, or helping Americans get back to work, but about political games and rhetoric driven by half-truths.

In July of this year, the U.S. Department of Health and Human Services (HHS) issued a memo outlining a program for the consideration of state proposals for alternative job placement performance measures for Temporary Assistance for Needy Families (TANF) recipients. This was in direct response to the requests from at least 29 states who wanted more flexibility on how they measured work participation among recipients. Many of these states requested a waiver so they could focus on more outcome-based measures, rather than job placement rates. The memo released by HHS outlines the conditions that must be met by a state to receive a waiver: a clear and detailed explanation of how the alternative proposal would increase employment by 20 percent, as well as show that there are clear, measurable goals for work placement.

However, my Republican colleagues would have you believe that the administration is gutting the work requirements under TANF. Not so. It should be obvious to any honest man who is not blind that this proposal does not waive the work requirements. In fact, it is the administration's effort to test more effective strategies for moving families from welfare to work while giving the states the flexibility to test which strategies they think will work best for their residents. As President Clinton said, ''The requirement was for more work, not less.''

We hear on the floor of this body, day in and day out, about how onerous federal reporting requirements are to the states, and how federal reporting requirements do not account for the unique needs of each of our states. Yet here the administration is directly responding to this request for flexibility and my colleagues run to the floor waving around a dead-on-arrival resolution of disapproval. In my experience, when the administration has heard your complaints and takes the steps necessary to address these complaints you claim victory.

As our economy has struggled so have American families. Many of these families have ended up on TANF through no fault of their own. These families are not looking for a hand-out from the federal government; they want a hand-up. The proposal put forth by HHS will help the states provide these families with a hand-up, while still retaining the integrity of welfare-to-work requirements under TANF.

I urge my colleagues to reject this baseless and nakedly political resolution. Let's do the business of the American people in an honest, thoughtful, and proper way. I would remind my Republican colleagues that you are entitled to your own opinion, but you are not entitled to your own facts. The facts are that the administration's proposal would increase work requirements and increase the ability of Americans to get back to work. And here my Republican colleagues are irresponsibly attempting to block that action. Shame.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 788, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of House Joint Resolution 118 will be postponed.

Pursuant to clause 1(c) of rule XIX, further consideration of the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program, will now resume.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

STEM JOBS ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''STEM Jobs Act of 2012''.

SEC. 2. IMMIGRANT VISAS FOR CERTAIN ADVANCED STEM GRADUATES.

(a) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(2)) is amended by adding at the end the following:

''(D)(i) In addition to the increase provided under subparagraph (C), the number computed under this paragraph for fiscal year 2013 and subsequent fiscal years shall be further increased by the number specified in clause (ii), to be used in accordance with paragraphs (6) and (7) of section 203(b), except that—

''(I) immigrant visa numbers made available under this subparagraph but not required for the classes specified in paragraphs (6) and (7) of section 203(b) shall not be counted for purposes of subsection (c)(3)(C); and

''(II) for purposes of paragraphs (1) through (5) of section 203(b), the increase under this subparagraph shall not be counted for purposes of computing any percentage of the worldwide level under this subsection.

''(ii) The number specified in this clause is 55,000, reduced for any fiscal year by the number by which the number of visas under section 201(e) would have been reduced in that year pursuant to section 203(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1151 note) if section 201(e) had not been repealed by section 3 of the STEM Jobs Act of 2012.

''(iii) Immigrant visa numbers made available under this subparagraph for fiscal year 2013, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only to the extent to which the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2013 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) was less than the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2013 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2013.

''(iv) Immigrant visa numbers made available under this subparagraph for fiscal year 2014, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) during such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only to the extent to which the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2014 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) was less than the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2014 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2014.''.

(b) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202(a)(5)(A) of such Act (8 U.S.C. 1152(a)(5)(A)) is amended by striking ''or (5)'' and inserting ''(5), (6), or (7)''.

(c) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of such Act (8 U.S.C. 1153(b)) is amended—

(1) by redesignating paragraph (6) as paragraph (8); and

(2) by inserting after paragraph (5) the following:

''(6) ALIENS HOLDING DOCTORATE DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

''(A) IN GENERAL.—Visas shall be made available, in a number not to exceed the number specified in section 201(d)(2)(D)(ii), to qualified immigrants who—

''(i) hold a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education;

''(ii) agree to work for a total of not less than 5 years in the aggregate for the petitioning employer or in the United States in a field of science, technology, engineering, or mathematics upon being lawfully admitted for permanent residence; and

''(iii) have taken all doctoral courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States.

''(B) DEFINITIONS.—For purposes of this paragraph, paragraph (7), and sections 101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

''(i) The term 'distance education' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(ii) The term 'field of science, technology, engineering, or mathematics' means a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, mathematics and statistics, and physical sciences.

''(iii) The term 'United States doctoral institution of higher education' means an institution that—

''(I) is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or is a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b)));

''(II) was classified by the Carnegie Foundation for the Advancement of Teaching on January 1, 2012, as a doctorate-granting university with a very high or high level of research activity or classified by the National Science Foundation after the date of enactment of this paragraph, pursuant to an application by the institution, as having equivalent research activity to those institutions that had been classified by the Carnegie Foundation as being doctorate-granting universities with a very high or high level of research activity;

''(III) has been in existence for at least 10 years;

''(IV) does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any recruitment or admission activities for nonimmigrant students or in making decisions regarding the award of student financial assistance to nonimmigrant students; and

''(V) is accredited by an accrediting body that is itself accredited either by the Department of Education or by the Council for Higher Education Accreditation.

''(C) LABOR CERTIFICATION REQUIRED.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

''(ii) REQUIREMENT DEEMED SATISFIED.—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

''(7) ALIENS HOLDING MASTER'S DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

''(A) IN GENERAL.—Any visas not required for the class specified in paragraph (6) shall be made available to the class of aliens who—

''(i) hold a master's degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education that was either part of a master's program that required at least 2 years of enrollment or part of a 5-year combined baccalaureate-master's degree program in such field;

''(ii) agree to work for a total of not less than 5 years in the aggregate for the petitioning employer or in the United States in a field of science, technology, engineering, or mathematics upon being lawfully admitted for permanent residence;

''(iii) have taken all master's degree courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States; and

''(iv) hold a baccalaureate degree in a field of science, technology, engineering, or mathematics or in a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary group of biological and biomedical sciences.

''(B) LABOR CERTIFICATION REQUIRED.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

''(ii) REQUIREMENT DEEMED SATISFIED.—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

''(C) DEFINITIONS.—The definitions in paragraph (6)(B) shall apply for purposes of this paragraph.''.

(d) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(F) of such Act (8 U.S.C. 1154(a)(1)(F)) is amended—

(1) by striking ''(F)'' and inserting ''(F)(i)'';

(2) by striking ''or 203(b)(3)'' and inserting ''203(b)(3), 203(b)(6), or 203(b)(7)'';

(3) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(4) by adding at the end the following:

''(ii) The following processing standards shall apply with respect to petitions under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

''(I) The Secretary of Homeland Security shall adjudicate such petitions not later than 60 days after the date on which the petition is filed. In the event that additional information or documentation is requested by the Secretary during such 60-day period, the Secretary shall adjudicate the petition not later than 30 days after the date on which such information or documentation is received.

''(II) The petitioner shall be notified in writing within 30 days of the date of filing if the petition does not meet the standards for approval. If the petition does not meet such standards, the notice shall include the reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified petition.''.

(e) LABOR CERTIFICATION AND QUALIFICATION FOR CERTAIN IMMIGRANTS.—Section 212(a)(5) of such Act (8 U.S.C. 1182(a)(5)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii)—

(i) in subclause (I), by striking '', or'' at the end and inserting a semicolon;

(ii) in subclause (II), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(III) holds a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education (as defined in section 203(b)(6)(B)(iii)).'';

(B) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively;

(C) by inserting after clause (i) the following:

''(ii) JOB ORDER.—

''(I) IN GENERAL.—An employer who files an application under clause (i) shall submit a job order for the labor the alien seeks to perform to the State workforce agency in the State in which the alien seeks to perform the labor. The State workforce agency shall post the job order on its official agency website for a minimum of 30 days and not later than 3 days after receipt using the employment statistics system authorized under section 15 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

''(II) LINKS.—The Secretary of Labor shall include links to the official websites of all State workforce agencies on a single webpage of the official website of the Department of Labor.''; and

(D) by adding at the end the following:

''(vi) PROCESSING STANDARDS FOR ALIEN BENEFICIARIES QUALIFYING UNDER PARAGRAPHS (6) AND (7) OF SECTION 203(b).—The following processing standards shall apply with respect to applications under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

''(I) The Secretary of Labor shall adjudicate such applications not later than 180 days after the date on which the application is filed. In the event that additional information or documentation is requested by the Secretary during such 180-day period, the Secretary shall adjudicate the application not later than 60 days after the date on which such information or documentation is received.

''(II) The applicant shall be notified in writing within 60 days of the date of filing if the application does not meet the standards for approval. If the application does not meet such standards, the notice shall include the reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.''; and

(2) in subparagraph (D), by striking ''(2) or (3)'' and inserting ''(2), (3), (6), or (7)''.

(f) GAO STUDY.—Not later than June 30, 2017, the Comptroller General of the United States shall provide to the Congress the results of a study on the use by the National Science Foundation of the classification authority provided under section 203(b)(6)(B)(iii)(II) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(6)(B)(iii)(II)), as added by this section.

(g) PUBLIC INFORMATION.—The Secretary of Homeland Security shall make available to the public on the official website of the Department of Homeland Security, and shall update not less than monthly, the following information (which shall be organized according to month and fiscal year) with respect to aliens granted status under paragraph (6) or (7) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as added by this section:

(1) The name, city, and State of each employer who petitioned pursuant to either of such paragraphs on behalf of one or more aliens who were granted status in the month and fiscal year to date.

(2) The number of aliens granted status under either of such paragraphs in the month and fiscal year to date based upon a petition filed by such employer.

(3) The occupations for which such alien or aliens were sought by such employer and the job titles listed by such employer on the petition.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2012, and shall apply with respect to fiscal years beginning on or after such date.

SEC. 3. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking ''(a), (b), or (c),'' and inserting ''(a) or (b),'';

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''; and

(5) in subsection (g), by striking ''(a), (b), and (c)'' and inserting ''(a) and (b)''.

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and

(2) in subsection (e), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2012, and shall apply with respect to fiscal years beginning on or after such date.

SEC. 4. PERMANENT PRIORITY DATES.

(a) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:

''(i) PERMANENT PRIORITY DATES.—

''(1) IN GENERAL.—Subject to subsection (h)(3) and paragraph (2), the priority date for any employment-based petition shall be the date of filing of the petition with the Secretary of Homeland Security (or the Secretary of State, if applicable), unless the filing of the petition was preceded by the filing

of a labor certification with the Secretary of Labor, in which case that date shall constitute the priority date.

''(2) SUBSEQUENT EMPLOYMENT-BASED PETITIONS.—Subject to subsection (h)(3), an alien who is the beneficiary of any employment-based petition that was approvable when filed (including self-petitioners) shall retain the priority date assigned with respect to that petition in the consideration of any subsequently filed employment-based petition (including self-petitions).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to aliens who are a beneficiary of a classification petition pending on or after such date.

SEC. 5. STUDENT VISA REFORM.

(a) IN GENERAL.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

''(F) an alien—

''(i) who—

''(I) is a bona fide student qualified to pursue a full course of study in a field of science, technology, engineering, or mathematics (as defined in section 203(b)(6)(B)(ii)) leading to a bachelors or graduate degree and who seeks to enter the United States for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education (as described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b))) in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution fails to make reports promptly the approval shall be withdrawn; or

''(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I);

''(ii) who has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution of learning or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn;

''(iii) who is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

''(iv) who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico.''.

(b) ADMISSION.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting ''(F)(i),'' before ''(L) or (V)''.

(c) CONFORMING AMENDMENT.—Section 214(m)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking ''(i) or (iii)'' and inserting ''(i), (ii), or (iv)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to nonimmigrants who possess or are granted status under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 6429 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

When it comes to STEM fields—science, technology, engineering, and math—American universities set the standard. Our STEM graduates create the innovations and new businesses that fuel our economic growth and create jobs.

Many of the world's top students come to the U.S. to obtain advanced STEM degrees. But what happens to these foreign students after they graduate? Under the current system, we educate scientists and engineers only to send them back home where they often work for our competitors.

We could boost economic growth and spur job creation by enabling American employers to hire some of the best and brightest graduates of U.S. universities. These students become entrepreneurs, patent holders, and job creators.

The STEM Jobs Act makes available 55,000 immigrant visas a year for foreign graduates of American universities with advanced degrees in STEM fields.

Three-quarters of likely voters strongly support such legislation, and a wide range of trade associations have endorsed this legislation as well. These include the Institute for Electrical and Electronics Engineers, the U.S. Chamber of Commerce, Compete America, the Information Technology Industry Council, and the Society for Human Resource Management.

To protect American workers, employers who hire STEM graduates must advertise the position; and if a qualified American worker is available, the STEM graduate will not be hired.

This bill makes our immigration system smarter by admitting those who have the education and skills America needs. STEM visas are substituted for Diversity Visas which invite fraud and pose a security risk.

The STEM Jobs Act generates jobs, increases economic growth, and benefits American businesses. What more do we want?

Let's put the interest of our country first and support this legislation.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

For more than a decade, I've been working to increase high-skilled visas for foreign students with advanced STEM degrees from America's greatest research universities. I'm fortunate enough to see firsthand the new technologies, the new companies, the new jobs they create every day in my district in the Silicon Valley. For that reason, it pains me greatly that I cannot support this bill.

First, although this bill ostensibly seeks to increase STEM visas, it appears to have another, in my opinion, more sinister purpose—to actually reduce legal immigration levels. The bill does it in two ways.

On its face, the bill eliminates as many visas as it creates by killing the Diversity Visa Program which benefits immigrants from countries that have low rates of immigration to the United States. But the bill also discreetly ensures that many of the new visas will go unused by preventing unused visas after 2014 from flowing to other immigrants stuck in decades-long backlogs. This is not the way our immigration system works.

I believe the only reason the bill is written in this fashion is to satisfy anti-immigrant organizations that have long lobbied for reduced levels of immigration.

My colleagues on the other side of the aisle are fond of saying that while they are opposed to illegal immigration, they are very much in favor of legal immigration. But this bill shows the opposite.

Supporters of legal immigration would not have killed one immigration program to benefit another, nor would they agree to a Grover Norquist-style no-new-immigration pledge that will continue to strangle our immigration system for years to come.

Agreeing to zero-sum rules now means never helping the almost 5 million legal immigrants currently stuck in backlogs.

The Republican bill also expressly allows for-profit and online schools to participate. While the bill contains language limiting immediate participation, it unquestionably opens the door to future participation.

I cannot support a bill that will allow such schools to essentially sell visas to rich, young foreigners.

The vast majority of Democrats in this Chamber strongly support STEM visas. I've introduced a bill that creates STEM visas without eliminating other visas or including for-profit colleges. It has the support of the Black, Hispanic, and Asian Caucus chairs. Bring that to the floor, and you'll see strong support from Democrats. It should also get strong Republican support.

Republicans in the past, including very conservative Members, have supported STEM legislation that does not eliminate other types of visas. In the 110th Congress, I introduced a bill that did just that with very conservative Republicans such as Texas Members JOHN CARTER and PETE SESSIONS as cosponsors. If they can support new STEM visas without offsets, so can Republicans today.

There is a unique opportunity here to craft a balanced, bipartisan bill that can pass the Senate; but our majority has instead chosen to jam through a partisan bill that has no chance of becoming law, solely, I think, to score political points.

It seems the only reason they have chosen to pursue this strategy right before an election is an attempt to appear more immigrant friendly than their record proves them to be and perhaps to curry favor with high-tech groups.

But this is an anti-immigration bill, and it only sets back the high-skilled visa cause.

I believe if we take a step back and work in good faith on a bipartisan basis, we can pass a STEM bill with overwhelming support. I am eager to work with my colleagues on the other side of the aisle to do just that. It's the right thing to do for the district I represent, and for our country. But this flawed bill is one I cannot support.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, before yielding to the gentleman from Texas (Mr. HALL), I'm going to yield myself 1 minute.

Mr. Speaker, the gentlewoman from California said at least two things that are completely inaccurate. Let me correct those statements.

First, she said this bill is going to reduce immigration and that that was somehow the intent behind the bill. The gentlewoman from California practiced immigration law, and she knows better than to say this. Under this bill, and she knows this to be the case, individuals in other employment categories who are waiting for other types of employment visas can switch over and apply for these STEM visas if they are master's or Ph.D. holders in the STEM fields. There's no limit on those. I expect every year that the number of visas that are not used directly will be used by these individuals in other employment-based categories.

I want to make the point, too, that America is the most generous country in the world. We admit almost 1 million people legally every year. That's far more than any other nation, and it may well be as many as every other country combined.

The purpose of this bill is not to increase or decrease immigration, and I want to make that point, and also the fact that most Americans agree with this. Gallop recently reported that four out of five Americans do not want to increase the levels of immigration. Only 4 percent believe that the number of immigrants now entering the U.S. is too low. This bill reflects what the American people want.

Lastly, in regard to for-profit schools, the gentlewoman made light of that and seemed to think that this bill was going to be abused by those types of institutions.

First of all, any institution, even if they are profit-making—and why do so many Democrats oppose profits and free enterprise? I don't know—but any profit-making institution, if they otherwise qualify, which is to say if they grant doctorates or master's in STEM fields and if they are a research university as deemed by the Carnegie Institute of Higher Education, yes, they'll qualify. But I want to say to the gentlewoman from California, today, none of those for-profit institutions would qualify.

□ 1550

If they somehow meet the qualifications in the future, why wouldn't we want them to be eligible to have their graduates—master's and Ph.D. only—apply for these STEM visas?

I am happy now to yield 2 minutes to the chairman of the Science Committee, the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I commend my good friend from Texas, Chairman SMITH, for his leadership on the bill today.

As a member of the Science Committee since first elected in 1980, I've heard repeatedly of talented foreign students who receive advanced degrees from American universities who would like to stay in the United States and put those degrees to work and are simply not permitted to do so. So they return home to their home country and ended up competing with us.

Likewise, I hear from industry, particularly the technology industry, that they have ample jobs to fill, but there are not enough qualified Americans to fill those jobs. If this is true, we want those jobs filled by Americans and are working to improve STEM education in the country. But absent that talent now, and with many of these companies already seeking employees overseas, then it seems to me we should take advantage of the opportunity in front of us and help those foreign students who have received their education in the U.S. remain in the U.S.

I have expressed to the chairman that I remain hopeful that qualified Americans should always fill available jobs first, and I understand provisions are in place to ensure this. I further appreciate his willingness to reach a consensus on broadening institution eligibility. We must remember that a large number of well-respected institutions across the country only grant degrees as high as a masters, and qualified graduates from those universities should also be eligible.

In closing, I support the bill before us today, with the assurance that the chairman will continue to work with the Science Committee and with me as we move forward.

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent to allow the ranking member of the full committee to control the remainder of the time.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan will control the time.

There was no objection.

Mr. CONYERS. Mr. Speaker, it is with great pleasure that I thank the gentlelady from California (Ms. LOFGREN) and yield her such time as she may consume.

Ms. ZOE LOFGREN of California. I will be brief. I do feel the need to address the issue that the chairman has raised; I think he misunderstands the issue.

We have, in U.S. universities, graduating in STEM fields 10,000 Ph.D. and 30,000 masters degrees a year. Assuming that all 40,000 want to stay in the United States—and that is not a valid assumption—we will not use up all of the 50,000 visas. It is true that the EB2s might apply, but many of them did not go to American universities. So the easiest way to make sure these visas are not eliminated is to do what happens in all the rest of the immigration EB categories, which is to allow those visas to flow.

Finally, I just have to say I have never once been asked by a high-tech company to have some online university be the awarder of the Ph.D. It's not a demand, it's not an interest that anybody in the technology field has ever expressed to me.

Mr. CONYERS. Mr. Speaker, I would now proudly yield 3 minutes to our distinguished whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, in order to compete in today's global economy, we need to attract the best and brightest math and science students from around the world. I think we all agree on that.

American technology and Internet companies—which are far and away the best in the world—are in dire need of more highly educated engineers and scientists. We're just not producing enough here. In the long term, we need to educate more Americans in STEM fields, but we also must increase the number of STEM visas so that our businesses can hire the top international graduates of American universities.

This could be a broadly bipartisan bill. It could pass easily. But once

again, unfortunately, we have chosen a good bill and inserted a partisan poison pill, making it impossible to pass the Senate or attract broad bipartisan support. How sad it is that that's been the history of this Congress. That poison bill is, of course, the elimination of the Diversity Visa Program, which ensures that individuals from a broad array of countries have the opportunity to seek a better life here in America. The Statue of Liberty, with her torch raised, is being brought down just a little bit.

We don't know where our next great innovators will come from, and we ought to not close the doors on those who have been waiting patiently to have their number called in some far off corner of the world. That lottery is not only their salvation, but also our benefit. It's part of what makes America great.

I call on the Republican leadership to withdraw this bill and instead take up the bill introduced by my friend, the gentlewoman from California, Representative LOFGREN, which accomplishes the objective I think we all want to accomplish. That version would create opportunities through a new STEM visa program without taking current opportunities away. I commend Ms. LOFGREN for her work on this issue and for helping to sustain that yearning for America that still moves the hearts of millions around the world.

In light of what I have just said, Mr. Speaker, I would ask the gentleman from Texas if he will yield for the purpose of allowing me to make a unanimous consent to amend his bill by striking all after the enacting clause and replacing the text with that of the gentlewoman from California's alternative, H.R. 6412, the Attracting the Best and Brightest Act of 2012. I tell my friend that will accomplish the objectives that you've talked about and I've talked about in getting high-tech people, the availability, for our companies here in America. They need them, we want them, we ought to get them; and we ought to do it in a bipartisan way.

This is an opportunity for bipartisanship that unfortunately has not come as often as we would like. I would ask my friend to allow me to make that unanimous consent, that we agree to that. And I guarantee the gentleman we will get very substantial numbers of votes on this side of the aisle for that proposition, and I hope on your side as well.

Would the gentleman yield for that unanimous consent? The gentleman has been instructed not to yield to me for that unanimous consent, I understand? I regret that your side of the aisle wouldn't give me that opportunity for America—for America and our high-tech businesses.

Mr. SMITH of Texas. Mr. Speaker, on the way to yielding to the majority leader of the House, I'd like to respond very quickly to what the gentleman from Maryland just said.

I want to make, again, the points that the Diversity Visa invites fraud, and absolutely means that we would have a security risk if we were to continue it.

I want to quote the assistant Secretary of State. The assistant Secretary of State for Visa Services has testified that Diversity Visa fraud includes:

> Multiple entries, fraudulent claims to education or work experience, pop-up spouses or family members, relatives added after the application is submitted, and false claims for employment or financial support in the United States.

The State Department's Inspector General has testified that the Diversity Visa program:

> Contains significant risk to national security from hostile intelligence officers, criminals and terrorists attempting to use the program for entry into the United States as permanent residents.

We've already had one individual who was admitted on a Diversity Visa try to blow up the World Trade Center in 1993. He killed six people and injured hundreds of people. That's why this program is not good for this country.

I'm more than happy to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the majority leader for the House of Representatives.

Mr. CANTOR. I thank the gentleman from Texas for his leadership on this bill.

Mr. Speaker, since we were elected to the majority, the House Republicans have put forward solutions to spur job creation and economic growth by, frankly, focusing on and helping small businesses get off the ground to grow and hire. We've worked hard to drive small business job creation and innovation by enacting patent reform, the JOBS Act, and the removal of regulatory and tax burdens that are impeding small businesses' growth.

The STEM Jobs Act we are voting on today is part of our commitment to help small businesses, to help them create jobs by ensuring that top foreign students in American universities have the opportunity to launch or work for American businesses.

The bipartisan STEM Jobs Act takes 55,000 visas currently awarded based on a lottery and instead awards them to foreign graduates of U.S. universities with advanced degrees in science, technology, engineering, and mathematics. This legislation provides students with the opportunity to stay here in America where they can contribute to the American economy rather than leaving for other countries, taking their venture capital with them to compete against America and her businesses.

□ 1600

I want to thank the gentleman from Texas, Chairman SMITH, as well as Congressman HENRY CUELLAR for introducing this legislation. I'd also like to note that Congressman BOB GOODLATTE of Virginia and Congressman RAÚL LABRADOR from Idaho have also been instrumental in getting us here.

But there's a reason why we in America are the world's leading innovators and have within our borders the world's leading innovators and why they choose to launch their companies here. Our Nation offers immense opportunities to those who come to our shores.

My grandparents, just like so many others who immigrated to America, knew what foreign students know today: that America has always been a place which puts a premium on ensuring that, no matter who you are or where you're from, everyone here should have the opportunity to go and achieve and earn success.

According to the Partnership for a New American Economy, 40 percent of Fortune 500 companies were founded by immigrants or their children. So we must start to take advantage of our status as a destination for the world's best and brightest. We must continue to do that. We want job creation and innovators to stay here and help us compete.

Over the past two decades, the number of international graduate students enrolled in our Nation's top-notch universities has grown. But, as the Congressional Research Service shows, the percentage of these students who gain visas has largely remained the same since 1990. The STEM Jobs Act says to our foreign graduates, You choose America and America chooses you.

More talent in our workforce will mean more innovation, more start-ups, more entrepreneurship, more jobs and a better economy. It's time our visa system adopted this commonsense advancement. It's time for us to pass this bill, Mr. Speaker, and I hope there is a broad bipartisan base of support when the vote occurs.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to JUDY CHU, an active member of the Judiciary Committee who, additionally, heads the Asian Pacific Caucus.

Ms. CHU. I rise today in opposition to this bill which will further damage our already broken immigration system. I strongly support increasing visas for STEM foreign students so they can stay, work, and innovate here. But while this bill claims to do that, it actually reduces the number of overall visas available and lets unused STEM visas disappear by 2014.

The bill also gets rid of 50,000 legal immigrant visas each year under the Diversity Visa Program, which gives every immigrant, no matter their background, a chance of immigrating to the United States and is so important to immigrants who don't fall into other categories.

Supporters of legal immigration should not have to kill other immigration programs to help our economy maintain its competitive edge. This is not a zero-sum game.

Anyone in support of fair legal immigration should oppose this bill. And I urge both sides to come together to work on a bipartisan STEM visa bill

that will help keep our economy competitive without making our backlogged immigration system worse.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA), who is the chairman of the Government Oversight Committee.

Mr. ISSA. Mr. Speaker, for 12 years, my greatest ambition here in Congress has been my membership in Judiciary and my activities of trying to bring real immigration reform that's a plus to our country.

My district has two notable areas: one, the agricultural areas that so desperately need a guest worker program; the other, throughout San Diego and Orange County, the high-tech areas that in many ways rival the best in the world, that, in fact, run out of H–1Bs on the day that they're offered. So I support the STEM skills reform because it's necessary.

But let me just go through two or three things quickly that are so obvious here in this debate.

One is: People who are detractors from this say, We'd love to have it; we simply want an expansion in the total number of immigrants. Let's understand, America allows more people to immigrate to our shores than the entire rest of the world, combined, does to theirs. We're already the most generous, and there has to be a number and that number has been set.

Secondly, it doesn't take away from anyone who has a valid need or reason to come here. It's not going to limit reunification. It's not going to limit those who have been tortured or in some other way affected in their foreign country.

But I think the most telling one is the CBO, our independent, nonpartisan organization that, in fact, has said that making this change will save over $1 billion in costs from the dependency that many diversity candidates prove to have, in spite of the regulations saying they shouldn't.

And lastly, and the most important one, as an employer of a high-tech company, a founder and employer for many years, America has to be like every high-tech company. You are always open to hire somebody who will make your company grow. America will grow in four jobs or more for each person who applies and receives one of these visas. That is about getting the economy going again and jobs happening again.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I thank you, because there's only one problem separating the two views that have been presented by both sides of the aisle here this afternoon. But the proposal of those on the other side, of steamrolling through today, simply does not provide for new visas for STEM graduates. Instead, it completely eliminates diversity visas, a longstanding legal immigration program. And, as surely everyone understands on both sides of the aisle, we strongly oppose a zero-sum game that trades one legal immigration program for another. I heard someone suggest that.

The elimination of the Diversity Visa Program will drastically decrease immigration from African countries. It's as simple as that. In recent years, African immigrants have comprised approximately 40 to 50 percent of the Diversity Visa Program's annual beneficiaries. And so we just say simply: That is not fair. There's no point in us having to swallow this poison pill. And I can assure you that there's no intention that that be done.

Second, the Diversity Visa Program plays an important foreign policy role for the United States. As a former Ambassador testified the year before last at a Judiciary Committee hearing:

> The program engenders hope abroad for those that are all too often without it—hope for a better life, hope for reunification with family in the United States, and hope for a chance to use their God-given skills and talent.

And so I ask my colleague to please consider how we can move the STEM issue forward without eliminating the Diversity Visa Program.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), a senior member of the Judiciary Committee and an original cosponsor of this legislation.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Texas, the chairman of the committee, for his fine work on this legislation, and I rise in support of it.

You know, this House has twice passed through the entire House legislation eliminating the visa lottery program—55,000 visas, not given based upon family reunification needs, not given based upon job shortages in the United States, but based upon pure luck. And it's unfair to people from more than a dozen countries around the world that stand in long lines, on waiting lists, and then watch somebody have their name drawn out of a computer at random, with no particular job skills, no ties in this country, and they get to go right past them into a green card in the United States.

□ 1610

So, if you're from Mexico, you're not eligible for the visa lottery program. If you're from Canada, you're not eligible for the visa lottery program. If you're from China or India or the Philippines or from more than a dozen countries, you are not eligible for this program at all.

Let me just say that far more people with far greater contributions to make to our economy, to our system, will benefit from using those visas for STEM—for science, for technology, for engineering, and math. In fact, most African immigrants to the U.S. do not come through the diversity program, and many will benefit from a STEM visa program. There are more than 3,000 students from Nigeria alone who are studying in STEM fields in the United States. They will be able to stay in the U.S. because of the STEM Jobs Act.

This is a good proposal that is fair to people who want to come to this country to better their lives for themselves but to also help the United States in these difficult economic times find people who are needed here or who have legitimate family reunification needs, not simply based on pure luck. Our immigration system is in need of more reform than this, but this is great reform, and I urge my colleagues to pass this legislation.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the former chairman of the Education and Labor Committee, the distinguished gentleman from California, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this partisan bill. It's unfortunate. Maintaining this country's advantage in science and technology is an important issue, and it should not be a partisan issue. Democrats have long supported efforts to increase STEM careers in this country and to address the question of STEM visas.

We all recognize how important these careers are to the future economic strength of this country. We could be working together in a bipartisan way to address these issues in a fair and thoughtful manner, but this bill does not do that. Instead of working together, the majority has chosen a partisan route.

This route puts American workers' wages at risk at a time when they can ill afford it. It allows a dangerous race to the bottom that will drive wages down for American workers. It allows employers to pay visa holders less than the actual wages paid to similarly situated workers at those employers. A U.S. worker and a visa holder could be working right next to one another, doing the same work, and the foreign worker is cheaper. We know what this will mean for U.S. workers' pay and job opportunities. Depressing families' wages is not what our country needs. That's why I joined with Congresswoman LOFGREN on legislation that would require a visa holder to be paid at least the actual wage being paid to a U.S. worker with similar experience.

I also have deep concerns that this partisan bill is also a payoff for predatory for-profit education institutions. The Republican bill includes language that specifically allows for-profit institutions to participate in this program. Why is that? Tech and other high-skilled employers have not been pushing to get more foreign graduates from for-profit schools. This provision would allow these institutions to find new, potentially lucrative revenue streams for their shareholders without regard

to the actual needs of the American labor market.

Mr. Speaker, the American people have made it clear that they are fed up with the powerful special interests gaming the system to increase their bottom line. They are fed up with partisan exercises meant to gain political advantage during an election cycle. It is no surprise that for 2 years this Congress had an opportunity to have a full and open debate on this very important issue but that the Republicans have chosen partisanship, obstruction, and polarization over moving this country forward. That's why we see this bill at the last minute, and that's why we see this bill requiring a two-thirds vote.

Mr. SMITH of Texas. Under this bill, the employers have to pay the prevailing wage. I don't know from where the gentleman got his information.

Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. GRIFFIN), a distinguished and active member of the Judiciary Committee.

Mr. GRIFFIN of Arkansas. I rise today in support of the STEM Jobs Act, and I thank Chairman SMITH for his leadership.

Mr. Speaker, I want to tell you about some job creators in my district who would benefit from this bill. Welspun Tubular, which made the pipes for the Keystone pipeline, needs advanced STEM graduates to train workers. Power Technology needs highly skilled workers to design, develop, and manufacture laser products. These companies have struggled to find the specific talent they need, and this bill would help them create jobs.

We are currently educating highly skilled Ph.D.'s and masters and are sending them back home to compete against us after they graduate. That's like Arkansas recruiting the best college football players from Texas, training them on our offense and sending them back to Texas to compete against us. That doesn't make any sense. Let's fix it. Let's pass this bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. GUTIERREZ) as few have worked harder on this with ZOE LOFGREN.

Mr. GUTIERREZ. Thank you so much.

It might appear like we are having a debate about whether we should send STEM graduates—those with advanced degrees in science, technology, engineering, and math—to faraway lands to work for companies to compete against us, but this debate is not about that because, on the need for STEM visas, there is no debate. The real debate we are having today, in creating STEM visas, is whether to shut the door to opportunity to others who contribute to the United States of America.

I haven't seen one letter from Google, Yahoo!, Apple, Intel or the high-tech industry that says to eliminate 25,000 to 30,000 visas to those from Africa and give them to the high-tech industry. I haven't seen one letter that says that, and they know that. It's just something they want to do, and they want to poison this well with what I think is bad policy. Based on the immigrant stories we heard from almost every speaker at the Republican and Democratic conventions, I would guess all of us here would welcome to the U.S. any decent, hardworking person with enough heart and guts to pursue his biggest dreams, but that's not what this bill does. I wish it did.

Imagine if those millions who passed through Ellis Island had been given a test when they arrived. If they were gifted in science and math, they were in. If they were simply hardworking men or women in search of better lives, prepared to sweat and toil in the fields or in our factories, they wouldn't have been good enough under this bill. Think about it. Where would we all be if we had to pass that test—the Pelosis and the Palazzos, the Boehners and the Blumenauers, the Schakowskys and the Lipinksis, the Kennedys and the Kuciniches, the Romneys and—yes—the Rubios?

When my parents came from Puerto Rico, they didn't need a visa. They just had a sixth-grade education and a ninth-grade education. Under this bill, they would say, Not here and not in this America. You're not welcome. My mom worked in a factory, and my dad drove a cab, and they worked hard every day. They worked hard every day to make this. They sent their children to college, and one of them today serves in the Congress of the United States.

The SPEAKER pro tempore (Mr. LATOURETTE). The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman 30 more seconds.

Mr. GUTIERREZ. They lived the story of America. They came with nothing but hopes, and they played by the rules and achieved great things, not necessarily for themselves but for their children and now their grandchildren.

Has America benefited? Could we attract the smartest and the brightest? Yes. But America is also a better Nation because we attract those with the most heart and soul to make something of themselves. Let's defeat that bill so we can continue that great American tradition.

Mr. SMITH of Texas. I yield myself 30 seconds.

Mr. Speaker, no one is hurt more by the diversity visa program than unemployed Hispanics and black Americans. The unemployment rate for Hispanics with only a high school education is almost 14 percent. The unemployment rate for African Americans with only a high school education is almost 19 percent. The diversity visa program forces these unemployed Americans to compete for very scarce American jobs with those other individuals who don't have more than a high school education. Why do we want to do this to our own people?

I yield 2 minutes to the gentleman from Idaho (Mr. LABRADOR), an original cosponsor of this legislation who is very active on this subject.

Mr. LABRADOR. I rise today in support of the STEM Jobs Act of 2012. This bill addresses one of the bipartisan issues we ought to be able to solve here in the House of Representatives.

Both President Obama and Governor Romney have spoken about the need to reform our immigration system in order to keep more of the best and the brightest minds in America. I am very pleased to have worked with Chairman SMITH on this bill, and I want to thank him for his leadership. I also want to thank Mr. GOODLATTE and the majority leader for their commitment to bringing this jobs bill to the floor.

The future of our economy is in the STEM fields. New printers from Hewlett-Packard, new semiconductors from Micron, and new phones from Apple all rely on retaining the world's best and brightest students and on harnessing their ingenuity to create jobs here in America. Even in an economic downturn, there aren't enough U.S.-born graduates to meet the needs of high-tech employers. Right now, foreign-born students are benefiting from our education system and are then going home to compete with us.

□ 1620

This legislation allows us to retain their skills and innovation. We know that every American with an advanced STEM degree creates two to three new American jobs. We are replacing a broken, inefficient visa program with one that works, rewards innovation, and makes jobs for our economy.

Mr. Speaker, I heard the other side talk about this bill all day today. This other side controlled the House, the Senate, and the Presidency for 2 years and did nothing to improve the immigration system. They didn't pass immigration bills, yet the President campaigns on the issue of immigration reform. Once again, faced with actually passing a bill that improves the immigration system, they're making a stand against immigration reform and against economic growth.

Let me clarify one thing. I have a great deal of respect for Congresswoman LOFGREN. She and I have talked about this issue for the entire 1½ to 2 years that I've been here in Congress, and I recognize that she's been a leader on this issue over the years. I'm also an immigration attorney. I've been an immigration attorney for 15 years. I must clarify that unused diversity visas have never rolled over, and to oppose this bill on those grounds is just proof that this is more about politics than policy.

Mr. CONYERS. Mr. Speaker, I would like to gain the previous speaker's attention. The House, of which you are a Member, passed the DREAM Act 216–208, and we enjoyed the support of eight Republican Members.

Mr. Speaker, I now yield 1½ minutes to a senior member of the Judiciary Committee, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Mr. Speaker, I'm most grateful. Thank you very much.

To the Speaker and to my colleague from Texas, this is the perfect infrastructure for collaboration and bipartisanship. We have worked together on this issue, and we have confronted the issue that I mentioned to Congresswoman LOFGREN on which we will continue to work, which is to ensure the outreach to Historically Black Colleges and Hispanic-serving colleges for the engineers and scientists who are prepared to work in America's technology industry, and I expect that that will happen. I am supportive of STEM visas to provide for the infrastructure of workers for the dynamic technology, Silicon Valley software, Austin, Texas, and beyond to be able to be vibrant and thriving.

But as I just left the President of Malawi, a woman who has inspired Malawians to look to the future, and as they look to the future, we have said that we want to ensure that America has a future with the continent. To remove the diversity visas that create diversity, to take away opportunities from a continent that, by and large, has been an ally and friend to the United States, whose African citizens have come to be reunited with families, who have generated outstanding businesses, from South Africans, to Kenyans, to Guineans, to those from Cote d'Ivoire and those from Nigeria—in my town, Nigerians have created the most successful brand of small businesses from being seamstresses to doctors and lawyers and others.

I cannot vote for a bill that will allow us to remove the component for diversity visas as an exchange or substitute for this kind of approach. We must have balanced and comprehensive immigration reform.

Mr. SMITH of Texas. Mr. Speaker, let's put our own unemployed Hispanics and black Americans first. They should come first.

Mr. Speaker, I yield 45 seconds to the gentleman from California (Mr. BILBRAY), who is the chairman of the Immigration Reform Caucus.

Mr. BILBRAY. Mr. Speaker, I rise today in strong support of this piece of legislation.

All over America, Americans are having to make priority decisions in their families. The fact is this Congress needs to make some priority decisions. It is not only the right, but the responsibility, of this Congress and this Nation to make sure that our immigration policy is good for America first and foremost.

This bill will replace a failed system that actually gambled with America's future by having a lottery. It replaces it with bringing good scientists in. Let me just give you the numbers from just recently.

This is going to create 55,000 jobs. Do we want to have 6,000 Iranians coming here or do you want 6,000 scientists and researchers coming in? Do we want to set aside an area where we have over 2,000 Moroccans being given a set-aside for their country rather than treating individuals that have proven that they have an asset that we need in this country?

The real issue here is, Mr. Speaker, whether we are willing to correct a mistake of the past to move forward with a fair system that judges individuals based on their merit, not based on the country that they're coming from.

Mr. CONYERS. Mr. Speaker, I yield the gentlelady, Ms. SHEILA JACKSON LEE, 25 seconds.

Ms. JACKSON LEE of Texas. If we pass the American Jobs Act, we will help Hispanic youngsters, Anglo youngsters, African American youngsters, and all Americans.

However, what an insult to America's values to suggest that those who come to this country to give by way of a legal process, diversity visas, are not contributing. I do not want to insult anyone who comes with the idea of helping America. That means wherever they've come from: Africa, Iran, elsewhere.

If they come for a good reason through the diversity visa to reunite with their family, that is the American way. Immigration by law, that is the American way.

Mr. CONYERS. Mr. Speaker, I'm pleased to yield 1½ minutes to the very patient Member from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise to strongly oppose H.R. 6429, the Republican STEM proposal before the House today under suspension of the rules.

As the ranking member of the Subcommittee on Higher Education and Workforce and vice chair of the Congressional Hispanic Caucus, I urge my colleagues on both sides of the aisle to join me and members of the Congressional Hispanic Caucus, the Congressional Black Caucus, and the Asian American Caucus in strongly opposing this Republican STEM proposal, misguided legislation that would curtail legal immigration to the United States.

As a proud cosponsor of this bill, I support this legislation because it would allow advanced STEM graduates to remain in the United States and contribute to our Nation's scientific discovery and technological innovation, increasing our Nation's global competitiveness. This bill reduces backlogs for STEM-degree recipients by attracting and retaining critical talent and creating a new EB–6 green card category for persons with advanced degrees in STEM from research universities in the United States.

I must underscore that this bill does not eliminate or weaken our immigration programs to increase STEM visas. This bill targets only the best and the brightest foreign students. Unlike the Republican proposal, this legislation, H.R. 6412, does not allow foreign graduates of for-profit colleges to receive STEM visas, including degrees earned by mail or over the Internet.

In closing, I urge my colleagues to strengthen our Nation's global competitiveness.

Mr. Speaker, I rise to strongly oppose H.R. 6429, the Republican STEM proposal, before the House today under suspension of the rules.

As Ranking Member of the Subcommittee on Higher Education and Workforce Training and Vice Chair of the Congressional Hispanic Caucus (CHC), I urge my colleagues, on both sides of the aisle, to join me and members of the Congressional Hispanic Caucus, the Congressional Black Caucus, and the Congressional Asian Pacific American Caucus in strongly opposing the Republican STEM proposal, misguided legislation that would curtail legal immigration to the United States.

Instead, I encourage my colleagues in this chamber to support H.R. 6412, ''The Attracting the Best and the Brightest Act of 2012'' sponsored by Representative ZOE LOFGREN.

As a proud cosponsor of this bill, I support this legislation because it would allow advanced STEM graduates to remain in the United States and contribute to our Nation's scientific discovery and technological innovation, increasing our Nation's global competitiveness.

This bill reduces backlogs for STEM ''degree recipients by attracting and retaining critical talent and creating a new ''EB–6 green card category for persons with advanced degrees in science, technology, engineering, and mathematics (STEM) from research universities in the United States.

I must underscore that this bill does not eliminate or weaken other immigration programs to increase STEM visas. While H.R. 6412 provides the same number of STEM visas (50,000) as the Republican proposal, it does so without eliminating the long-standing Diversity Visa program, which ensures diversity among new immigrants and provides one of the few legal pathways to enter the United States.

This bill targets only the best and the brightest foreign students, and requires that these individuals have an advanced degree from an accredited public or nonprofit university classified by the National Science Foundation as a research institution or as otherwise excelling in STEM instruction.

Unlike the Republican proposal, this legislation H.R. 6412 does not allow foreign graduates of ''for-profit colleges'' to receive STEM visas, including degrees earned by mail or over the internet.

H.R. 6412 includes a provision which provides wage protections for U.S. workers and requires that the offered wage to the STEM graduate meets or exceeds the actual wage paid to U.S. workers with similar levels of experience.

The Republican proposal does not include this provision and does not adequately ensure that American workers are protected.

In closing, I urge my colleagues to strengthen our Nation's global competitiveness by opposing the misguided Republican STEM proposal and cosponsoring H.R. 6412, ''The Attracting the Best and Brightest Act of 2012.''

Mr. SMITH of Texas. Mr. Speaker, I yield 45 seconds to the gentleman from Arizona (Mr. FLAKE), who has long been active on the subject of immigration.

Mr. FLAKE. I thank the gentleman for yielding, Mr. Speaker.

I rise in strong support of the STEM Jobs Act.

For the past three Congresses, I've worked on this issue with the introduction of the STAPLE Act, which would do much the same as this bill does, as well as support for other pieces of legislation that do what this piece of legislation does, which is allow those who are trained in our universities here to contribute to the U.S. economy.

We all know that it's not government that creates jobs, that the job of government is to enable the private sector to create jobs. I can think of no better way than to allow the private sector access to the brainpower and knowledge of those who have been trained in our universities to stay here and help create jobs.

This is a good piece of legislation. It's one of the few pieces of immigration legislation that has bipartisan support. I urge its adoption.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE), who is also chairman of the Foreign Affairs Terrorism Subcommittee.

Mr. ROYCE. Mr. Speaker, I urge my colleagues to support the STEM Jobs Act. It is time to alter the current immigration system. It is time to substantially increase the proportion of new entrants with high levels of education and skills.

Today, we are educating many of the best and brightest from around the world, and then, ironically, we're sending them back to work for our competitors. This makes no sense.

□ 1630

Skilled immigrants can contribute to a rising U.S. standard of living. They bring capital, they bring ideas, and they produce new companies. With this bill, we can help grow innovation, and we can create jobs in the U.S. We've got plenty of examples of IT firms in California that are founded by immigrants from China and India that were educated in our institutions.

Let's pass this bill and help our economy grow.

Mr. SMITH of Texas. Mr. Speaker, I yield 45 seconds to the gentleman from Pennsylvania (Mr. ALTMIRE), who is a member of the Education and the Workforce Committee.

Mr. ALTMIRE. Mr. Speaker, while I would have preferred the Lofgren approach, I rise in support of the STEM Jobs Act because it's critical to keeping America competitive in the global economy. The United States has the best institutions of higher education in the world, particularly when it comes to the STEM fields.

Yet U.S. businesses frequently express concerns over the availability of qualified workers to perform jobs that are available and need to be filled once we educate and train these students for jobs. We send them back to their home countries to compete against us. This simply makes no sense.

By passing this bill, we will help ensure that the best and brightest in the world aren't working for our competitors abroad, but that America keeps that talent here at home and they play on our team instead of competing against us.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LUNGREN), who is chairman of the House Administration Committee and a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, let's remember where we are. Up until 1965, we had a quota system that essentially gave advantages to certain countries to get their people in here versus others.

We removed that in 1965. We went to a worldwide quota system based on the fact that everyone around the world would have an equal chance to get to the United States based on their talents and their reason for coming here.

In about 1981, there was a cry that we weren't getting enough Irish coming in here. Tip O'Neill—I recall, I was here on the floor at this time—Tip O'Neill and Teddy Kennedy worked together to create the Diversity program that allowed anybody to apply for it at 12:01 a.m. one morning.

What do you know, only the Irish knew about it. We got essentially Irish in. That worked for a while. Then we changed it so that they and others were no longer allowed, and we only allowed certain countries in. We're going back to a quota system by country. It doesn't make sense. It ought to be a worldwide quota system.

In addition, I would just say that most African American immigrants in the U.S. do not come through the Diversity program. We have many who are engaged in the STEM program study here. Just 3,000 from Nigeria alone would be able to participate.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from California, Ms. ZOE LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Speaker, I think this is a disappointing day at a time when we look for leadership on the part of the majority to bring us together. Instead, we have a partisan bill before us.

We have 54 cosponsors on the bill that we've introduced. The remarkable thing is that we have support across the entire breadth of the Democratic Caucus for STEM visas. The things that have been said about the Diversity Visa today are simply wrong.

They remind me of the warnings we got a short while ago about the ''terror babies'' who would somehow emerge after 21 years. It's absurd.

We need to vote against this bill, but I think we can quickly reconvene and get to the bipartisan effort that this country deserves.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the STEM Jobs Act spurs economic growth and spurs job creation by enabling American employers to hire some of the best and brightest foreign students who graduate from American universities. The American public, American employers, and the high-tech community all support this bipartisan piece of legislation.

I urge my colleagues to vote for jobs, vote for innovation, and vote for economic growth. Let's put the interests of America first.

I yield back the balance of my time.

Mr. MANZULLO. Mr. Speaker, as a proud original co-sponsor of the STEM Jobs Act, I urge my colleagues to support this carefully-crafted legislation. The American economy faces many challenges today, from burdensome regulations to uncertainty over taxes. One of our biggest challenges, especially in the manufacturing sector, is the skills gap—a lack of highly trained workers with the expertise to perform certain manufacturing jobs, or a shortage of scientists and engineers to develop new technologies. Manufacturing in America relies on innovation and skill, but too many factories slow down, too many opportunities are missed, and too many jobs are lost because of this skills gap. And worse, America's universities train and educate some of the most promising scientists and engineers from around the world, but our immigration laws force us to send them away to compete against American companies.

It makes no sense to educate foreign students in the fields of science, technology, engineering, and mathematics, only to send them overseas once they complete their studies. Rather than force these innovators and experts to join companies overseas to be in direct competition with American high-technology manufacturing firms, we should keep innovation and entrepreneurship here at home. The STEM Jobs Act will allow these bright minds who study at top American universities and are already in this country legally under a student visa, the option to stay and work for American companies, build our economy, and help create American jobs.

Mr. Speaker, this bill will not increase the total number of green cards offered to immigrants, and it will not allow foreign workers to take jobs that Americans are available to do. Instead, the STEM Jobs Act makes our immigration laws smarter and guarantees that these green cards are available only to fill jobs that Americans can't fill. This bill will enhance America's competitiveness in the global marketplace and will lead to the economic growth and job creation that American workers need.

Mr. BACA. Mr. Speaker, I rise today to voice my strong opposition to H.R. 6429, the misnamed STEM Jobs Act.

Make no mistake about it, this bill is designed to reduce legal immigration to the United States.

H.R. 6429 doesn't just increase STEM visas, it also eliminates the Diversity Visa program—a legal immigration program that makes visas available to immigrants from countries that have low rates of immigration to the United States.

It is wrong to force Congress to eliminate one immigration program, in an effort to support another.

This misguided legislation also eliminates rollover provisions for unused visas.

Unfortunately, H.R. 6429 lets unused visas go to waste, and forces legal immigrants to continue to suffer in long backlogs.

In addition, I have serious concerns that this legislation automatically allows for-profit and on-line schools to participate in the new STEM green card program.

It's not too late for my Republican colleagues to change course, and sit down with Democrats to work on a bipartisan bill that strengthens the STEM visa program without limiting legal immigration.

I urge my colleagues to stand in solidarity and vote ''no'' on this attempt to reduce legal immigration.

Ms. HIRONO. Mr. Speaker, I rise in opposition to H.R. 6429, the misnamed STEM Jobs Act of 2012.

The ability our nation to attract the world's best and brightest has contributed greatly to the creation of American jobs and the success of American businesses large and small. However, many foreign students who graduate from our best universities in the science, technology, engineering and mathematics (STEM) fields become victims of a broken visa system. The absence of specific visas for graduates in these critical fields has resulted in long wait times and forces many to move back home, taking their valuable skills out of the American economy. Clearly, the time has come for change.

Unfortunately, H.R. 6429 isn't the change we need. It follows the pattern of the Republicans' approach of giving with one hand while taking with the other. This bill would create STEM visas at the expense of eliminating the Diversity Visa Program. Diversity visas provide a legal path for people from countries with low rates of immigration to the United States. Half the recipients are from Africa and almost a third are from Asia.

Democrats and Republicans agree that we should establish a STEM visa program, but unfortunately Republicans inserted a poison pill in this bill that guarantees it will not pass. It is also clear that the Senate will not take up the bill with this provision included.

We in Hawaii know that diversity is a strength. Hawaii has been enriched by the diverse immigrants who call it home, hailing from places like the Philippines, Japan, Samoa, Portugal, and around the Pacific Rim. While I believe we should be looking for ways to encourage the best and brightest to come to our shores and create American jobs, we don't need to do it at the expense of the Diversity Visa Program.

As an immigrant, I know the promise America offers and the hopes of those who come to our shores seeking a better life. That's why I support efforts to improve our immigration system and encourage those with needed skills to come and work for our businesses. Furthermore, a strong economic foundation depends on a world class American education system that prepares the young people of our country to compete in the STEM fields. I am convinced we can find a way to come together to create a fair STEM Visa Program and to strengthen our STEM education so more Americans can get these jobs.

H.R. 6429 is a flawed bill, and I urge my colleagues to oppose it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6429.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: passage of House Joint Resolution 118; the motion to suspend the rules and pass H.R. 6429; and the motion to suspend the rules and pass H.R. 5987.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

DISAPPROVING RULE RELATING TO WAIVER AND EXPENDITURE AUTHORITY WITH RESPECT TO THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 250, nays 164, not voting 15, as follows:

[Roll No. 589]

YEAS—250

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—164

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe

Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Akin
Davis (IL)
Filner
Gallegly
Granger
Jackson (IL)
Jenkins
Mack
Platts
Richmond
Ross (AR)
Schmidt
Speier
Sullivan
Towns

□ 1656

Messrs. COURTNEY and CRITZ changed their vote from ''yea'' to ''nay.''

Mr. LYNCH changed his vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MACK. Mr. Speaker, on rollcall No. 589 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. PLATTS. Mr. Speaker, on rollcall No. 589 I was inadvertently delayed in an official meeting and arrived on the House floor after the vote had been closed. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

STEM JOBS ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 257, nays 158, not voting 14, as follows:

[Roll No. 590]

YEAS—257

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cohen
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
DeFazio
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hochul
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—158

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
DeGette
DeLauro
Denham
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hastings (WA)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rogers (KY)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—14

Akin
Davis (IL)
Filner
Gallegly
Granger
Hultgren
Jackson (IL)
Jenkins
Ross (AR)
Shuster
Simpson
Speier
Towns
Waters

□ 1703

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 590, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

MANHATTAN PROJECT NATIONAL HISTORICAL PARK ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5987) to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 180, not voting 12, as follows:

[Roll No. 591]

YEAS—237

Aderholt
Amodei
Andrews
Baca
Bachmann
Bachus
Baldwin
Barber
Barrow
Barton (TX)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonamici
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Buchanan
Buerkle
Burton (IN)
Butterfield
Calvert
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Coble
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
DeLauro
Denham
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duncan (TN)
Ellmers
Engel
Eshoo
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gardner
Garrett
Gingrey (GA)
Gonzalez
Gosar
Graves (MO)
Green, Gene
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Harper
Harris
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinojosa
Hochul
Holden
Holt
Hoyer
Israel
Issa
Johnson (IL)
Johnson, Sam
Kaptur
Keating
Kildee
Kind
King (IA)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lipinski
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
McCarthy (NY)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Murphy (CT)
Myrick
Nadler
Noem
Nunes
Nunnelee
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pitts
Platts
Posey
Price (NC)
Quigley
Rahall
Rehberg
Reichert
Reyes
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Sánchez, Linda T.
Sarbanes
Schiff
Schilling
Schock
Schrader
Schwartz
Serrano
Sessions
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Stearns
Sutton
Terry
Thornberry
Tierney
Tipton
Turner (OH)
Van Hollen
Walden
Walz (MN)
Wasserman Schultz
Waxman
Welch
Wilson (FL)
Wilson (SC)
Wolf
Womack
Woodall
Young (FL)

NAYS—180

Ackerman
Adams
Alexander
Altmire
Amash
Austria
Barletta
Bartlett
Bass (CA)
Benishek
Bilbray
Bishop (NY)
Blumenauer
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Bucshon
Burgess
Camp
Cassidy
Chabot
Chaffetz
Chu
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Conyers
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Dent
Doyle
Duffy
Duncan (SC)
Edwards
Ellison
Emerson
Farenthold
Flake
Foxx
Franks (AZ)
Garamendi
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gowdy
Graves (GA)
Green, Al
Griffin (AR)
Griffith (VA)
Gutierrez
Hanabusa
Hanna
Hartzler
Hastings (FL)
Hensarling
Herger
Herrera Beutler
Hinchey
Hirono
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Jackson Lee (TX)
Johnson (OH)
Johnson, E. B.
Jordan
Kelly
King (NY)
Kingston
Kucinich
Labrador
Landry
Lankford
Latta
Lee (CA)
Lewis (GA)
LoBiondo
Lofgren, Zoe
Long
Lummis
Mack
Manzullo
Marchant
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
Meehan
Meeks
Miller (FL)
Moore
Mulvaney
Murphy (PA)
Napolitano
Neal
Neugebauer
Nugent
Olson
Olver
Palazzo
Paul
Pence
Petri
Pingree (ME)
Poe (TX)
Polis
Pompeo
Price (GA)
Quayle
Rangel
Reed
Renacci
Ribble
Richardson
Richmond
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Scalise
Schakowsky
Schmidt
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sewell
Sherman
Shuster
Smith (NJ)
Southerland
Stark
Stivers
Stutzman
Sullivan
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tonko
Tsongas
Turner (NY)
Upton
Velázquez
Visclosky
Walberg
Walsh (IL)
Waters
Watt
Webster
West
Westmoreland
Whitfield
Wittman
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOT VOTING—12

Akin
Filner
Gallegly
Granger
Jackson (IL)
Jenkins
Johnson (GA)
Jones
Ross (AR)
Ryan (WI)
Speier
Towns

□ 1711

Messrs. OLSON, SCOTT of South Carolina, Ms. SEWELL and Mr. DUFFY changed their vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 591, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

STOP THE WAR ON COAL ACT OF 2012

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 3409.

The SPEAKER pro tempore (Mr. WESTMORELAND). Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 788 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3409.

The Chair appoints the gentleman from Ohio (Mr. LATOURETTE) to preside over the Committee of the Whole.

□ 1716

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3409) to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and amendments specified in House Resolution 788 and shall not exceed 1 hour equally divided among and controlled by the chair and ranking minority member of the Committee on Natural Resources, the chair and ranking minority of the Committee on Energy and Commerce, and the chair and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from Washington (Mr. HASTINGS), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Michigan (Mr. UPTON), the gentleman from California (Mr. WAXMAN), the gentleman from Florida (Mr. MICA), and the gentleman from West Virginia (Mr. RAHALL) each will control 10 minutes.

The Chair recognizes the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, in his 2008 campaign, President Obama plainly declared the policies he supports would bankrupt American coal production. Since taking office, the Obama administration has waged a multi-front war on coal, on coal jobs, on the small businesses in the mining supply chain, and on the low cost energy that millions of Americans rely on.

Mr. Chairman, amazingly the Obama administration has repeatedly tried to deny that they've launched a war on coal, yet the facts are stubborn things. Just this week, Alpha Natural Resources announced the closure of 8 coal mines that will cost over 1,200 good-paying jobs. Aggressive regulations were specifically cited by the company for the closure of these mines.

New regulations opposed by the Obama EPA threaten to shut down the Navajo Generating Station, a coal-fired power plant in Arizona. This would cost hundreds of jobs and eliminate millions of dollars in revenue for Navajo tribal economic development, education, and basic services.

□ 1720

These lost jobs aren't random events. They are the direct result of the policies and actions of the Obama administration. These are the outcomes of their regulatory war on coal.

For more than a year and a half, the Natural Resources Committee has been aggressively investigating one of the Obama administration's most covert but outrageous fronts in this war—a decision by the Interior Department to rapidly rewrite a regulation governing coal mining near streams.

Within days of taking office, the Obama administration simply threw out the Stream Buffer Zone Rule that had undergone 5 years of environmental analysis and public review. They used a short-circuited process to hire a contractor to write this new regulation. When the news media revealed the official analysis of this rewrite and of the new Obama regulation showing that it would cost 7,000 jobs and cause economic harm in 22 States, the administration fired the contractor and continued to charged ahead.

To date, the committee's investigation has exposed gross mismanagement of the rulemaking process, potential political interference, and the widespread economic harm this regulation would cause. The Interior Department refuses to comply with congressional subpoenas to produce documents and information that would fully reveal how and why this regulation was being rewritten. An interim report by the committee was issued today that details the specific findings and information uncovered in this investigation. The report is available at the committee's Web site at naturalresources.house.gov.

Mr. Chairman, it's not a matter of if the new Obama regulation will be imposed, but when. Television cameras overheard President Obama whispering to the Russian Prime Minister that he will have more flexibility after the election. It doesn't take a canary in the coal mine—no pun intended—to figure out the Interior Department's new Stream Buffer Zone regulation on coal is being held back and concealed until after the November election, which is when this President would have more flexibility to unleash its job-destroying impacts.

That's why Congress must act now to stop this. This new regulation must be halted. Title I of today's bill, the Stop the War on Coal Act, is authored by our colleague from Ohio (Mr. JOHNSON), and it prohibits the Obama administration from issuing this new regulation. It allows time to responsibly undertake an open, transparent rulemaking that fairly accounts for job and economic impacts.

President Obama's war on coal is real. The lost jobs are already happening, and thousands more are at risk. Americans' energy costs are already too high, and the war on coal will drive them even higher. So I urge my colleagues on both sides of the aisle and from all regions in the country to support this bill and to stop these red tape attacks on American jobs and on American-made energy.

With that, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this bill. The Republicans are saying that there is a war on coal, but the only battle coal is losing is in the free market—to natural gas, to wind and to solar. Just 4 years ago, coal generated 51 percent of the electricity in the United States. Now it is down to 35 percent. When you add up hydropower, the renewables, natural gas, and the other gases, you get 44 percent of our electricity sector.

Just like Governor Romney says he has given up on 47 percent of Americans, the House Republicans have given up on 44 percent of our electricity sector. Just like their politics grips tightly to the past, their energy policies hold fast to the energy technologies and the fuels of yesterday, like coal and oil.

The free market has been replacing coal with natural gas, which has grown from 21 percent of our electricity generation back in 2005 and 2006, and has now risen to 30 percent of all electrical generation in the United States. Natural gas. It's not a war, it's a revolution. What has happened is, simultaneously, coal has come down to 35 percent. Surprising, isn't it? The numbers look like they match up pretty perfectly, especially if you add up the rise from 1 percent to 4 percent of the electricity in the United States which has been generated by wind over the last 5 years. That's what's happening, ladies and gentlemen.

All the rest of this I don't understand, to be honest with you. It's almost like the Republicans are rejecting the free market as it is now operating as the country is moving to natural gas. I understand the coal State Members have to stand up and defend this change in the marketplace, but I don't understand why my other Republican friends would reject those free market principles.

Why is this switch from coal to natural gas happening? It's because natural gas is cheaper. Natural gas prices have decreased by 66 percent since 2008. It is cheaper to produce new electricity from natural gas than from coal. This isn't a conspiracy—it is a competition—but Republicans say that there is a war on coal. Well, in a market sense, that war is now being won. When I was a boy, I had to go down into the basement with my father to shovel the coal. That's how we kept our house warm. Then my mother said let's move to home heating oil, and so my father had the home heating oil come. That was a revolution. And now there is another revolution going on.

Up in the Northeast, for example, because of the low price of natural gas, 1.4 million Northeast households have switched from oil to natural gas over the last decade. And why is that? Again, it costs $2,238 to heat your home through the winter with home heating oil, and it costs $629 to heat your home with natural gas. That's why they're switching. The same thing is happening in the petrochemical industry. They're switching from oil over to natural gas. In the fertilizer industry, they're switching from oil over to natural gas. The price is low. They are moving in that direction. That's the larger story that is occurring—the natural gas revolution in the United States of America.

So, ladies and gentlemen, I just urge all of you to understand that this is not the Obama administration in a war against coal. That is not what is going on. There is a paranoia-inducing, Darwinian marketplace revolution that is taking place—led by natural gas, followed by wind—that is changing the makeup of the electricity marketplace in our country. Only when you understand and admit this will we be able to have a real debate out here, because all the rest of this is really just meant to be political, in order to harm the President in the election of 2012, when the real harm to coal is being done in the marketplace.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the chairman of the House Appropriations Committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the chairman for yielding.

During his 2008 election campaign, President Obama had the audacity to set an energy goal to bankrupt the coal industry. Unfortunately, this is one promise the President is keeping. Coal mines are closing, miners are being sent home—our strategic energy advantage thrown away for windmills and Solyndras.

Mr. Chairman, I know miners. Day in and day out, they make real personal sacrifices—often doing difficult and, at times, dangerous jobs—not only to look out for their families but to keep our homes lit, to support their local churches, to keep our local businesses flourishing, and to help the American economy. Coal is not America's energy problem; it is America's energy solution.

Sadly, for the last 3 years, this administration has brought forth an onslaught of job-killing regulations, overstepped authority—three times condemned by the Federal court, and deadlocked the mine permitting process—all with the thinly veiled purpose of driving coal from the energy marketplace.

In Kentucky, the results are in. In my region, more than 2,000 coal miners have lost their jobs this year, and dozens of local support businesses are downsizing as a result.

□ 1730

The story is the same in Virginia, West Virginia, and Pennsylvania, where last week, 1,200 more workers were given pink slips. It's time for this to stop, Mr. Chairman. This war on coal is real. It threatens the way of life of these small town communities with rich legacies and real people, our countrymen.

Mr. Chairman, I'm proud to stand in support of coal miners and coal communities and support the Stop the War on Coal Act, H.R. 3409. It sends a clear message that the Obama policies are wrongheaded not only for coal, but for our country.

I urge passage to put coal miners back to work.

Mr. MARKEY. I yield the remainder of our time to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank my colleague, the ranking member on the committee.

This Republican-led House has already cast 302—soon to be more—anti-environmental votes in this Congress. In our last week in session before the election in November, our eighth day in session since the beginning of August, the majority now wants to use this precious time when we should be dealing with the Nation's economic problems. Instead, we are planning to consider legislation on the floor that will add to this total of anti-environmental votes.

No, there is no war on coal, not by the Obama administration or anyone else. Mr. MARKEY has explained the market forces at work. But there clearly has been a concerted effort. One out of every five votes we've taken in this Congress has been to reduce protections on our air, on our water, on our open spaces, et cetera.

This bill includes a coal ash title that endangers the health and safety of thousands of communities, provisions that would increase the levels of toxic mercury, lead, and cancer-causing toxins in the air and water. There are provisions in this bill that gut the Clean Air Act.

Why the House would waste precious time redebating these bills and voting on them once again is a mystery to me and I think must be a mystery to anyone who is observing the behavior of this House of Representatives. It only underscores the fact that the House Republican majority is more focused on passing message bills than addressing the real issues that face our Nation.

The remaining new title of this bill consists of a bill that was approved in the Resources Committee back in February. It purports to halt an ongoing effort by the Obama administration to rewrite a so-called ''midnight regulation'' that was adopted by the Bush administration on mountaintop removal mining. This Bush midnight mountaintop removal rule weakened a Reaganera regulation by increasing the ability of the mining companies to dump mining waste in streams. Yes, believe it or not, they want to weaken those protections. It's another provision of this bill before us today.

The Obama administration has signaled that it intends to revise the Bush administration regulation to better protect local communities, to better protect public health, to better protect the water. However, this effort is only at the very early stages, and the Obama administration has not even issued a proposed rule. This is unnecessary, going in the wrong direction, and weakening environmental protections for this country.

Those are reasons enough to oppose this bill.

Mr. HASTINGS of Washington. Mr. Chairman, how much time is remaining on both sides?

The CHAIR. The gentleman from Washington has 3½ minutes, and the gentleman from Massachusetts has 1½ minutes.

Mr. HASTINGS of Washington. I would be more than happy to yield 3 minutes to the author of the legislation that is encompassed in title I of this bill, the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Mr. Chairman, I thank the chairman for yielding me the time.

My colleague just commented on the Bush administration's rewrite of the Stream Buffer Zone rule that took 5 years. He qualified that as a ''midnight rewrite.'' My goodness, that was a really long night. It took 5 years to do it.

Today, I rise in strong support of legislation that I've sponsored to stop the administration's job-destroying war on coal. This legislation is in direct response to the President's ongoing rewrite of the Stream Buffer Zone rule, a rule that, according to the administration's own estimates, would cost at least 7,000 direct jobs and potentially tens of thousands of direct and indirect jobs.

Mere days after assuming office, President Obama set out to rewrite this rule that will cost tens of thousands of jobs, cut coal production by up to 50 percent in America, and cause electricity rates to skyrocket even higher than the President has already pushed them.

As we all know, the average utility bill for the middle class has risen over $300 a year because of this President's radical environmental policies. The last thing the middle class needs is their utility bills to go even higher. However, if the story ended there, it would be bad enough, but it doesn't end there. It actually gets much worse.

The President's administration has deliberately tried to hide the truth about the cost of this rule to the American public. In fact, a Presidential appointee asked the contractors working on the rule to lie about the job loss numbers so the administration could convince the American public that this rule was good public policy. Thankfully, the contractors were men and women of character and would not lie for the administration. The President's administration then fired those contractors.

The Natural Resources Committee has subpoenaed the administration for documents and audio recordings relating to the rule. Not surprisingly, as we have seen many times before, the President has failed to live up to his campaign promise of leading the most open and transparent government ever, because he has not allowed the administration to turn over the documents that we've asked for because he knows they will hurt his reelection prospects.

This legislation is not about a sloppy and unethical rules process. This legislation is about saving tens of thousands of jobs for hardworking Americans, and it's about providing reliable and affordable energy resources for hardworking taxpayers and businesses all across America.

Throughout the country, hardworking coal miners and utility plant workers are losing their jobs because of this President's radical environmental policies. Just this week, hundreds of coal miners were told they would lose their jobs because of the President's anticoal stance. Just today, a utility company announced that they would close a coal-fired power plant and hundreds more workers would lose their jobs. These job losses are in addition to the thousands of Ohioans in eastern and southeastern Ohio that have lost their jobs because of the President's radical policies.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. JOHNSON of Ohio. This legislation will bring a stop to the administration's war on coal by not only stopping the job-destroying rewrite of the Stream Buffer Zone rule, but it also contains four bipartisan bills that have already been passed through the House.

I urge all of my colleagues to support this job-saving legislation.

Mr. MARKEY. Mr. Chair, I yield the balance of my time to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman from Massachusetts.

Mr. Chairman, this legislation is drafted so broadly that it's likely to cause real damage. It would prevent the Interior Department from issuing nearly any new regulation under the Surface Mining Control and Reclamation Act. The bill would prevent the Interior Department from undertaking any of a number of actions that it is considering to ensure that mining operations are safe for the workers and for the public and for our environment. I filed an amendment to narrow the scope of this title, but the majority would not make it in order.

Furthermore, H.R. 3409 would completely paralyze the Office of Surface Mining, which is responsible for protecting the citizens and workers, and we should not limit this agency when it comes to worker safety.

□ 1740

This bill would threaten public health by blocking the critical Clean Air Act regulations that limit dangerous air pollutants, as I said earlier, including mercury in the air that we breathe.

This is an irresponsible bill; it is unnecessary. We have important work to do to shore up this economy and to create jobs. Why in the world we are doing this is beyond anybody's reasonable explanation.

Mr. HASTINGS of Washington. I yield myself the balance of my time, and I will do my best to capsulize.

Mr. Chairman, it was the President, when he was a candidate, that said that his policies, if enacted, would cost coal jobs.

For nearly 4 years we have seen evidence of that, and the latest example of that was when Alpha Coal Company laid off 1,200 people, citing the regulations that the President said he would promulgate. This is a good bill. I urge its adoption.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

I am going to say that I'm a little bit shocked that people would be so critical of this bill and saying that this bill is not important.

All of us know that President Obama, when he was running for President, made the comment that if he was elected President, you could build a coal-power plant, but he would bankrupt the industry.

Our friends on the other side of the aisle say, well, coal is having problems today because natural gas prices are going down. Let's let the free market work, and coal is losing out because of these natural gas prices.

The truth of the matter is, if natural gas prices were higher than they had been in the history of America, under this administration, if they finalize the greenhouse gas regulation, you cannot build a new coal-powered plant in America. One of the things that this bill does is it simply says, no, you're not going to regulate the greenhouse gases with this regulation.

The second thing that it does is this administration has been more aggressive than any in recent history on regulating the coal industry. The second thing that we do is we simply require the Department of Commerce to lead an interagency committee that will complete analysis of key EPA rules and regulations and the impact that they have on jobs in America, on our ability to compete in the global marketplace, on the energy prices, on energy reliability, and on the benefits.

What is so radical about that? An interagency task force to simply examine the cost of this cumulation of the impact of the regulations on energy prices, impact on global competitiveness, impact on energy reliability. What is so radical about that?

Then, finally, the third thing that it does is we say we're going to establish minimum Federal requirements for the management of coal ash. Coal ash has been used in America for 50 years or more to build highways and to be used in concrete. All we're saying is we're going to set a minimum Federal standard, and we're going to let the States enforce it through enforceable permits. Then EPA can get into the action if they want to if the State fails to act.

I don't view this as anything radical. If you go to any coal mine today, and you tell people that work in those coal mines that this administration is not harming their ability to work, I think you would be facing a losing argument.

One of the things that upsets me most about all these regulations is that when Lisa Jackson comes to testify, she talks about all of the benefits from a health perspective. I would be the first to acknowledge our air today is cleaner than it has ever been and all of us can take pleasure in that and feel very proud about the effectiveness that the Clean Air Act has given us.

The important thing today is to recognize that there are diminishing returns in these additional regulations.

If you look at the cost to the coal miner and his family when they lose their health care, the EPA does not look at the impact that that will have, the costs that that will have to society; but they look at models, and they determine that maybe next year they're going to prevent 1 million people from having asthma, which is quite subjective.

This is a reasonable piece of legislation that simply tries to slow down EPA, particularly at a time when our economy is weak, when we're trying to create jobs, not lose jobs, and when we're trying to be and remain competitive in the global marketplace with countries like China that are stepping up the use of their coal when we're sitting here with a 225-year reserve of coal.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Over the past 2 years, this Republican House has amassed the most anti-environment record in the history of Congress.

During this period, the Republican House has voted more than 300 times on the floor to weaken long-standing public health and environmental protections, block important environmental standards, and even halt environmental research. It's an appalling record.

I remember a time when there was bipartisan support for protecting the environment. Some of our best allies were Republicans like former Science Committee Chairman Sherwood Boehlert. It would have been unthinkable then to bring a bill that eviscerates the Clean Air Act and the Clean Water Act to the floor. But those days are apparently over.

Our last order of business before the election in 2012 is this bill, H.R. 3409. This is the single worst anti-environment bill to be considered during the most anti-environment House of Representatives in history. Under the guise of protecting coal mining jobs, House Republicans have resurrected their most extreme anti-environmental bills.

This new Frankenstein legislation is a sweeping attack on environmental protections, many of which had nothing to do with coal. It's an all-out assault on America's bedrock environmental protections.

Since 1970, when Richard Nixon was the President of the United States, the U.S. has had a national policy that air should be safe enough for people to breathe. The Republican bill that we're considering today would overturn this policy and cut the heart out of the Clean Air Act by allowing air quality standards to be set on the basis of polluter profits rather than health. This would reverse decades of progress in cleaning up our air. The gentleman that just last spoke on the floor said it was great, he likes the fact that we have cleaner air, but enough is enough.

□ 1750

The standards that we see being changed would no longer be based on health.

The bill also nullifies EPA's rules to require power plants to finally reduce their emissions of toxic mercury, which can cause brain damage and learning disabilities in infants and children. Blocking reductions in toxic air pollution means more heart attacks, more asthma attacks, more emergency room visits, and more premature deaths. Well, we've had enough of those kinds of clean air. Why have we've got to go backwards and allow toxic pollution to do harm to so many people?

But the bill doesn't stop there. It would overturn the Obama administration's historic vehicle fuel efficiency and carbon pollution standards. These standards are supported by the auto industry because they provide the industry with regulatory certainty and a single, national program. The standards will boost our energy independence by saving over 2 million barrels of oil a day. They will save consumers thousands of dollars at the pump over the life of a vehicle. The savings to American consumers will be equivalent to lowering gasoline prices by $1 per gallon.

These standards that the Republican bill would overturn are a victory for the auto industry, consumers, and the environment. They have nothing to do with coal. But House Republicans are targeting them anyway.

The legislation would prohibit EPA from taking any action to reduce dangerous carbon pollution. It codifies climate science denial by overturning EPA's scientific finding that carbon pollution endangers health and welfare. The premise of title II of this bill is that climate change is a hoax. The bill even eliminates the existing requirement that oil refineries, chemical plants, and other large polluters disclose how much carbon pollution they are releasing.

The signs that climate change is already occurring are all around us. The recent wildfires, drought, and heat

waves are exactly the types of extreme weather events that scientists have been predicting for years. The House Republican solution to the greatest environmental challenge of our time is to bury their heads in the sand and pretend it isn't happening. And they call this bill a moderate, not extreme, one.

This assault on the Nation's environmental laws will be the last order of business before the House adjourns for the election. It won't go anywhere in the Senate. It is a partisan, political bill that is distracting us from dealing with the real problems facing our Nation, like creating jobs and strengthening our economy.

We should stay here, Mr. Chairman, and do some real work for a change. This political bill is the wrong direction for America.

I urge my colleagues to oppose this legislation, and I reserve the balance of my time.

Mr. WHITFIELD. May I ask how much time we have remaining on our side?

The Acting CHAIR (Mr. WOODALL). The gentleman from Kentucky has 4½ minutes remaining.

Mr. WHITFIELD. Thank you.

At this time I yield 1 minute to the gentlelady from Tennessee (Mrs. BLACKBURN), who's a valuable member of the Energy and Commerce Committee.

Mrs. BLACKBURN. I thank the gentleman from Kentucky for his good work on this piece of legislation.

Mr. Chair, there is a war being waged on energy and on coal in this country. But it's not coming from another country; it is coming from our own government. And we see this taking place every day.

Here are a few facts. The United States produces 35 percent of the world's coal, which is more than any other country in the entire world. Most Americans think that we should be using our natural resources to improve the quality of life and to benefit our citizens. And indeed we should. We have more than 250 billion tons of recoverable coal here in this country.

Coal produced about 42 percent of all the electricity that was generated in the U.S. last year. Shutting down the coal industry might sound like a good idea at the Sierra Club meeting, but it doesn't make any sense. This legislation is needed because it puts the brakes on the EPA. I encourage my colleagues to support the bill.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. I yield 1 minute to the gentleman from West Virginia (Mr. MCKINLEY).

Mr. MCKINLEY. I rise today in an effort to stop this administration's war on coal. Those who believe that there is no war on coal are in dangerous denial. The actions of this administration against coal have caused massive uncertainty in the marketplace.

Obama's war on coal has come in waves. First, with the retroactive retracting of mine water permits, shutting down a coal mine. New source performance standards, shutting down all new coal mine construction. Utility MACT is shutting down all existing powerhouses. Boiler MACT; particulate matter; stream buffer rule; treating coal ash as a hazardous material; cross-state air pollution; slow-walking over 900 coal mining permits.

I'm here to support the coal ash provision with this. The majority in the House and the Senate have already four times passed this concept. They support this issue.

This is not a war on coal, though. It's a war on the communities that mine coal. When you shut down a coal mine, you shut down concrete block suppliers, timber cribbing, machinists who maintain the motors and equipment, and electrical workers.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time remains on each side?

The Acting CHAIR. The gentleman from California has 3¾ minutes remaining. The gentleman from Kentucky has 2½ minutes remaining.

Mr. WAXMAN. We have an additional speaker who is on his way, so I continue to reserve the balance of my time.

Mr. WHITFIELD. At this time I yield 1 minute to the gentleman from Oklahoma (Mr. SULLIVAN), who's the vice chairman of the Energy and Power Subcommittee.

Mr. SULLIVAN. Thank you, Chairman WHITFIELD.

Mr. Chair, I rise today in strong support of H.R. 3409, the Stop the War on Coal Act. This bill would help reverse the negative impact of President Obama's coal policies and protect American jobs from overregulation by the EPA.

The Obama administration is trying to regulate what they don't have the votes to legislate, and it's costing American jobs. Just this week, Alpha Natural Resources announced the elimination of 1,200 jobs due to the Obama administration's hostility towards the coal industry. The relief this bill provides cannot come soon enough.

One of the main provisions of the bill is the TRAIN Act. It's bipartisan legislation I authored and the House passed last year. The TRAIN Act forces EPA to conduct an in-depth cost benefit analysis of their most expensive power sector regulations so the American people can fully understand how the EPA's train wreck of regulations is impacting our economy.

At its heart, the TRAIN Act simply asks these questions:

What do these EPA regulations mean for the ability to compete in a global marketplace?

Will electricity prices climb, and by how much?

How would higher electricity prices and power plant closures affect jobs in the U.S. economy?

This is the right thing to do. I urge the passage of this measure.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. At this time I yield 1 minute to the gentleman from Kansas (Mr. POMPEO), a member of the Energy and Commerce Committee.

Mr. POMPEO. Thank you, Mr. Chairman.

When you think of coal and jobs, you don't necessarily think of Kansas. But in Kansas we depend on affordable, abundant energy to build airplanes, to grow crops—all of the things that come with affordable energy. This legislation stopping the President's war on coal is important to jobs not only in coal country, but in Kansas and everyplace. We're trying for economic growth all across the country.

It's simply implausible to imagine how you can regulate an industry and try and shut down any new coal-fired power plants, and then try and take money and subsidize it and think you've got good energy policy all across America. It should come as no surprise that we have 23 million people out of work, economic growth under 2 percent, and these EPA regulations that continue, one on top of another, are a primary cause of that.

I urge my colleagues to support this legislation.

Mr. WHITFIELD. We have no further requests for time, and I reserve the balance of my time to close.

The Acting CHAIR. The gentleman from Kentucky has 45 seconds remaining.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of New Jersey, an important member of our committee, the ranking member of the Health Subcommittee, FRANK PALLONE.

□ 1800

Mr. PALLONE. Mr. Chairman, I rise today to speak in opposition to H.R. 3409, another in a string of bills put forth by the most anti-environment House in the history of Congress.

I would like to specifically reference title V of the legislation, which bars EPA from reviewing permits that allow mining companies to dump the material they blast off the top of mountains into streams and valleys.

Last year, EPA issued a decision to reject proposed disposal of mountaintop mining waste into West Virginia streams on the Spruce Mine No. 1 property.

Let me stress that this was an extremely rare action taken by EPA, and the first time it has used the Clean Water Act to overturn an approved mining permit.

This mine would have dumped 110 million cubic yards of coal mine waste into nearby streams, burying more than 6 miles of high-quality streams in Logan County and causing permanent damage to the ecosystem.

The surface mining in the steep slopes of Appalachia has disrupted the biological integrity of an area about

the size of Delaware, buried approximately 2,000 miles of streams with mining waste, and contaminated downstream areas with toxic elements.

People have been drinking the byproducts of coal waste from mountaintop removal for more than two decades. Rather than clean and clear water running out of their faucets, the people of Appalachia are left with orange or black liquid instead.

But this is not just about the environment. It's about public health. The health problems caused by exposure to these chemicals and heavy metals include cancer, organ failure, and learning disabilities. Not only that, but there are multiple cases of children suffering from asthma, headaches, nausea, and other symptoms likely due to toxic contamination from coal dust.

This is environmental injustice, Mr. Chairman. My colleagues on the other side of the aisle will claim EPA is killing jobs, and I disagree. What EPA is doing is protecting the people of Appalachia from exposure to toxic chemicals that are harming them.

We must put a stop to the dangerous practice of mountaintop removal mining, and I'm the lead sponsor of the Clean Water Protection Act, which would do just that.

I urge my colleagues to oppose this harmful legislation.

Mr. WAXMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman and my colleagues, there is no war on coal. If coal is not able to compete with cheaper natural gas, that's not the government's fault. That's the market. That's the way it works. Do we blame the government for the failure of typewriter manufacturers to stay in business because they've been replaced by computers?

Coal is not going to go out of business.

The President said in his Statement of Administration Policy:

> To be clear, the administration believes that coal is and will remain an important part of our energy mix for decades to come. For that reason, since 2009, the administration has committed nearly $6 billion in advanced coal research, development and deployment and continues to work with industry on important efforts to demonstrate advanced coal technologies.

Let me just tell you what the American Heart Association, the American Lung Association, American Public Health Association, Asthma and Allergy Foundation of America, Health Care Without Harm, National Association of County and City Health Officials, Physicians for Social Responsibility, and Trust for America's Health say. They say:

> With such dramatic consequences for public health and enormous costs from air-pollution-related illnesses, we urge you to stand up to the pressure of big polluters and reject H.R. 3409 for what it is, a war on lungs.

That has no place at the top of Congress's legislative agenda.

Coal has had a pretty good deal. They've never had to carry the full cost of burning coal because they have never had to pay for the external consequences to human health and the environment.

But their failure in the market is because of lower competition.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield myself the balance of my time.

America would not be where it is today economically without the use of coal. I think all of us recognize that.

I would like to just read a couple of statements from recent court decisions about EPA.

The court called EPA's rationale magical thinking and its stunning power for an agency to arrogate to itself. It says, EPA acted arbitrarily and capriciously and in excess of its statutory authority.

The President says different things at different times. When he was a candidate last time, he said that he would bankrupt the coal industry. When he's a candidate today, he says he supports the coal industry. But his administration, through the EPA, shows clearly that they oppose coal.

The proposed greenhouse gas regulations, if finalized, would prohibit the building of a coal-power plant in America.

I yield back the balance of my time.

Mr. GIBBS. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of H.R. 3409, the Coal Miner Employment and Domestic Infrastructure Protection Act. Almost four decades ago, when Congress enacted the Clean Water Act, Congress established a system of cooperative federalism by making the Federal Environmental Protection Agency, the EPA, and the States partners in regulating the Nation's water quality and allocated the primary responsibilities for dealing with the day-to-day water pollution control matters to the States.

For most of these almost-four decades, this system of cooperative federalism between the EPA and the States has worked quite well. However, in recent years, the EPA has begun to use questionable tactics to usurp the States' role under the Clean Water Act in setting water quality standards and to invalidate legally issued permits by the States.

The EPA has decided to get involved in the implementation of State standards, second-guessing States with respect to how standards are to be implemented and even second-guessing EPA's own prior determinations that a State standard meets the minimum requirements of the Clean Water Act.

The EPA also has inserted itself into the States' and the Army Corps of Engineers' permit issuance decision and is second-guessing States' and other agencies' permitting decisions.

EPA's actions increasingly are amounting to bullying the States and are unprecedented.

Title V of H.R. 3409 is the text of H.R. 2018, a bill that has already been approved by the House of Representatives overwhelmingly in a bipartisan vote. Title V of H.R. 3409 will clarify and restore the long-standing balance that has existed between the States and the EPA as co-regulators under the Clean Water Act and preserve the authority of the States to make determinations relating to their water quality standards and permitting.

The language in title V was carefully and narrowly crafted to preserve the authority of States to make decisions about their own water quality standards and permits without undue interference or second-guessing from the EPA bureaucrats in Washington with little or no knowledge of local water quality conditions.

Title V reins in EPA from unilaterally issuing a revised or new water quality standard for a pollutant whenever a State has adopted, and EPA already approved, a water quality standard for that pollutant.

Title V restricts the EPA from withdrawing its previous approval of a State's NPDES water quality permitting program, or from limiting Federal financial assistance for a State water quality permitting program on the basis that the EPA disagrees with that State.

Further, title V restricts the EPA from objecting to NPDES permits issued by a State. Moreover, title V clarifies that the EPA can veto an Army Corps of Engineers Clean Water Act section 404 permitting decision when the State concurs with the veto.

These limitations apply only in situations where the EPA is attempting to contradict and unilaterally force its own one-size-fits-all Federal policies on a State's water quality program.

By limiting such overreaching by the EPA, title V in no way affects EPA's proper role in reviewing States' permits and standards and coordinating pollution control efforts between the States.

□ 1810

The EPA just has to return to a more collaborative role it has long played as the overseer of the State's implementation of the Clean Water Act.

Detractors of this legislation claim that the bill only intends to disrupt the complementary roles of EPA and the States under the Clean Water Act, and eliminate EPA's ability to protect water quality and public health in downstream States from actions in upstream States.

In reality, these detractors want to centralize power in the Federal Government so it can dominate water quality regulation in the States. Implicit in their message is that they do not trust the States in protecting the quality of their waters and the health of their citizens.

Title V of H.R. 3409 returns the balance, certainty, and cooperation between States and the Federal Government in regard to the environment that our economy, job creators, and permit holders have been begging for.

I urge passage of H.R. 3409 and reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the Stop the War on Coal Act, or as I prefer to call it, the ''Defense of Coal Miners Jobs Act.''

It has already been made clear on this floor that America's coal industry is under siege. Coal companies themselves have been very upfront about the chief source of their troubles, their lost revenues, mine closures, and layoffs. According to coal company officials and their own corporate financial statements, the biggest factor negatively affecting coal of late has been economic—involving declining demand in metallurgical coal, softness in the thermal coal market, a slowdown in the worldwide economy, milder than expected weather, and the resulting growth in coal stockpiles—all, of course, amplified by the low cost of natural gas. But when these factors began to evolve, already darkly looming over coal were the ever-tightening constrictions of the Clean Water Act—that regulatory perpetual motion machine from which rule after rule has rolled out with no regard for the condition of the economy or the effect those regulations would have on the livelihoods of American families.

Meanwhile, long-running legal skirmishes—lawsuit on top of lawsuit—challenging coal mine permitting in my home State had, for decades, unfairly and inhumanely left coal miners and their families constantly looking over their shoulders, waiting to be told that their mine was shutting down and their paychecks were stopping.

And then along came the current EPA leadership and what may be the most flagrantly offensive tactic aimed squarely at undoing coal. This agency has singled out what I believe it saw as a politically expendable region of the country and imposed a wholly new permitting regime.

This EPA has run roughshod over my State and others in central Appalachia to impose its own ideological agenda. It usurped the legal authorities of other Federal agencies. It brazenly misused and abused its regulatory powers to put a stranglehold on coal mine permitting in these States. This is not just my assessment; this is the assessment of the courts, which found:

The EPA has overstepped its statutory authority under the Clean Water Act and infringed on the authority afforded by law to the States.

I know quite possibly better than anyone else on this floor today how the regulatory arm of the government can wreak havoc on the people we represent. I know because the real front lines of this war are not here in Washington; they run through the hills and hollows of southern West Virginia, throughout our coal fields, through our very vein. The true soldiers in this war are our coal miners, who simply want to do their jobs. They want to earn an honest living and decent benefits for themselves and their families.

Now, I've been proud to stand in this body for over three decades, to stand in the trenches and fight with our coal miners, and I'm not about to break ranks with them one iota. In defense of our coal miners, along with Chairman MICA of our Transportation Committee and myself, we drafted H.R. 2018, the Clean Water Cooperative Federalism Act, which is a key part of this bill we consider today, as Chairman GIBBS knows well and has been helpful with as well.

I have, as well, supported the other measures that comprise this legislation when they passed the House as standalone bills, with the exception of the base bill to which they have been attached, as it has not been considered on the floor on its own.

I stand here now on this floor in support of this bill to once again defend our coal miners and their families in my State of West Virginia. Coal miners have risen up against their government before—just look at the history. They've marched on Washington before; we've heard their voices. If this EPA continues to turn a blind eye to the law to impose its anti-coal views, if it continues to unlawfully mess with our miners to cut off their paychecks and cut short their dreams, then I have a message for the EPA from the folks back home: You've not heard the last from us. You've not heard the last at all.

American workers want to work. Jobs are hard to come by these days. This government ought not to be a party to eliminating the ones that still exist. So in defense of our coal miners' jobs, I urge my colleagues to join me in supporting this bill, and I reserve the balance of my time.

Mr. GIBBS. Mr. Chairman, we have no more speakers. I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, let me just say that the bottom line is that the coal industry, as do all industries, needs regulatory stability. As the only sitting Member of this body who was a conferee on the bill which became SMCRA—the Surface Mining Control and Reclamation Act—I well recall that our goal back in 1977, when that legislation passed, was to create a dovetailing between coal production and environmental protection. My own State of West Virginia at that time was—and still is—a leader in surface mine reclamation.

Our industry was doing the job. Indeed, under SMCRA, we almost achieved that goal until recent years, when an activist EPA sought to usurp all authorities of other agencies—be it the Corps of Engineers or the Office of Surface Mining under the Department of the Interior. SMCRA should run the permitting process. Water quality permits should then follow, not vice versa.

So, again, I urge support of this bill. And I point to how we have been able to do it in West Virginia—effectively reclaim our land, provide jobs for our people, and have an environmentally sound environment in which our people are proud and in which jobs are provided—and good-paying jobs, I might add—for the people of West Virginia and all of our Appalachian States.

So I would urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. GIBBS. Mr. Chairman, I will conclude and yield myself the balance of my time.

I want to thank my colleague from West Virginia, who is understanding of what's happening in the United States Environmental Protection Agency, the revocation of the permits.

As a freshman here in Congress, I've been here not quite 2 years, and I have witnessed one of the most egregious things I have ever seen—I call it un-American. I think maybe I will just talk for a couple of minutes here and give the example of what happened with that, which just blew me away when I learned what happened.

We had an operation in the State Mr. RAHALL represents that went through 10 years of an environmental impact study—did everything they did, went beyond what they needed to do. In 2007, they were granted their permits and they started the operation up, the mining operation. In 2010, when this administration came into power, they revoked their permits. And I was arguing then that they didn't have the authority under the Clean Water Act to revoke the permit 3 years later, especially when there was no due reason, no cause.

We held hearings on this in my committee. What we discovered is that the State of West Virginia EPA did not support those actions, and the Army Corps of Engineers stated that there were no problems at the operation, there were no permit violations. So this is the first time in American history, I believe, that a permit to be in business was revoked when there were no permit violations.

□ 1820

Now, this sets a very dangerous precedent because lots of entities, not just in the coal industry, but lots of entities have to have a permit from the government to be in business. And if the government can come in and take your permit for no true cause, real cause, not in violation of the permit, who's going to invest? How are we going to grow this economy?

This is all about jobs and growing the economy. And so this is why it's so important that title V of this bill needs to be passed.

I want to applaud Mr. RAHALL and his support of that because he understands what the workers in his State are going through, and as we saw this week, all the thousands of layoffs of coal miners because there is a war on coal, and it's a war on our economy and it lessens our opportunity and, in essence, our freedoms.

So I urge Members to support this bill, and I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Chair, I rise in opposition to H.R. 3409, the ''Stop the War on Coal Act.'' This legislation represents the wish list of our Nation's worst polluters. It would do nothing to make our country more energy independent, but it would strip Americans of basic clean air and clean water protections. Several provisions of the bill have previously been considered by the Energy and Commerce Committee, on which I serve, and they are no better than when they were first introduced. They would all have a devastating impact on human health and the environment.

H.R. 3409 would eliminate tailpipe standards to reduce carbon pollution from model year 2017–2025 vehicles, bar EPA from requiring power plants and refineries to reduce carbon pollution, and undo requirements for power plants and refineries to disclose their carbon pollution. Those provisions would make our air dirtier without promoting job growth or energy independence.

The bill would delay the enforcement of the Mercury and Air Toxics and Cross-State Air Pollution standards. The Mercury and Air Toxics Standard will prevent 4,500 cases of acute bronchitis, 12,000 emergency room visits, 120,000 cases of aggravated asthma and more than 6,800 premature deaths annually. The Cross-State Air Pollution Rule will prevent 19,000 cases of acute bronchitis, 15,000 nonfatal heart attacks, 400,000 cases of aggravated asthma, and 34,000 deaths per year. Every year these regulations are delayed, over 40,000 preventable deaths will occur.

In 2008, the Kingston coal ash disaster dumped over one billion gallons of coal ash into the Emory River, contaminating drinking water with arsenic, chromium, selenium, lead, and mercury. The EPA submitted two options for regulating of coal ash disposal to prevent a similar disaster in the future. H.R. 3409 would require a standard weaker than either recommendation made by the EPA. It would allow states to regulate coal ash landfills by the same standards we use for ordinary household garbage, subjecting millions of Americans to increased risk of cancer, neurological disorders, birth defects, reproductive failure, asthma, and other complications.

This legislation would allow states to veto EPA water quality decisions even when a water source is heavily polluted. It would also restrict EPA from requiring improvements to state water quality standards when they fail to protect public health. Waterways cross state boundaries, and the effects of one state's lax regulations can have terrible consequences not just to their populations, but also to states downstream.

We have a responsibility to our children and grandchildren to protect the air they breathe and the water they drink. Legislation like H.R. 3409 puts the priorities of a few selfish corporate polluters ahead of hundreds of millions of Americans. I strongly oppose this bill and urge my colleagues to join me in voting against final passage.

Mr. GEORGE MILLER of California. Mr. Chair, I rise today to oppose this bill because it's a mere political message—not a solution for the Nation's coal mining communities.

Simply put: Jobs are being lost in the coalfields because natural gas is cheaper.

Adopting this bill will do nothing to change those market forces.

Likewise, this bill has nothing to do with protecting coal miners or ensuring they return home safely after their shift.

It's been more than two years since 29 miners died in the Upper Big Branch mine. And for more than two years, families who lost a loved one in the mine have demanded congressional action.

They want to ensure that the system does not let unscrupulous mine owners cover up unsafe conditions.

All they want is to be sure that no other family will have to go through what they did.

Well, more than two years and four investigative reports later, this Congress still has not acted.

I've met plenty of miners in my day. They're smart enough to see through this stunt.

I urge my colleagues to vote ''no'' on this bill, and turn our attention to job creation and job safety.

Mr. QUIGLEY. Mr. Chair, it's like we're stuck in some sort of time warp—a Groundhog Day to end all Groundhog Days.

This House has voted 302 times to block action to address climate change, to halt efforts to reduce air and water pollution, to undermine protections for public lands and coastal areas, and to weaken the protection of the environment in other ways.

But, not everybody's got their head in the sand. Richard Muller, a physicist at the University of California, Berkeley, and a prominent climate change skeptic, recently announced a change in his stance on the issue.

''Call me a converted skeptic,'' he wrote this July. ''Three years ago I identified problems in previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year, following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I'm now going a step further: Humans are almost entirely the cause.''

The debate is over. Climate change is real. But this bill ignores sound science, and would actually speed up climate change rather than slow it down. This bill, despite sound science, tells us that we should decrease ozone standards nationally, and increase the risk of skin cancer.

This bill, despite sound science, tells us that the new CAFE standards—supported by the Alliance of Automobile Manufacturers, the automobile industry, states and others—aren't worth the 2.2 million barrels of oil per day that would be saved; or worth the $1 per gallon consumer savings that would be achieved by 2025.

Denying climate science, eliminating the EPA's ability to reduce carbon pollution, killing the high-paying, long-term green industry jobs we're working so hard to create, endangering public health by allowing coal ash and mountaintop mining removal materials to pollute our valleys and streams—these are not new topics to this Congress.

These are all bills we've passed before, bills that have no hope in the Senate, no hope on the President's desk, and no hope to do any good for this country. What would be new is a solution-oriented policy discussion surrounding the extension of the Production Tax Credit, or PTC, which provides tax incentives for clean, renewable energy sources.

I oppose today's bill, as I've opposed these devastating measures in the past, and will continue to fight to bring the PTC successfully across the finish line.

If this so-called ''war on coal'' was really all about jobs, then we'd be leaving in place important rules like the Mercury Air Toxics Standard, which actually creates jobs, as do all of the rules that pertain to pollution controls—jobs in expert science industries.

But we've become so focused on repeal, repeal, repeal, that we fail to listen to utility and energy industry experts who tell us that their bottom line is being impacted by this fervor to eliminate rules and regulations for fair play.

We fail to listen to nearly 100 prominent economists—including Nobel Prize winners Joseph Stiglitz, Kenneth Arrow and Robert Solow—who tell us we've got the tools of job creation at hand.

''The Antiquities Act of 1906,'' these economic leaders wrote in a letter to the President last fall, ''would establish new national parks and monuments that can be one of the quickest ways to spur local hiring and build productive communities.''

When the Antiquities Act of 1906 was established, Teddy Roosevelt was fighting with Congress over the importance of preserving the Grand Canyon as a national park.

Way back when, the fight was whether to preserve the canyon or mine it for zinc, copper, asbestos and the like. Sounds a lot like today. A similar threat loomed over the Canyons this year, where international and domestic mining companies were clamoring for the rights to extract uranium from the nearby national forest.

That was, until the President and Secretary Salazar instated a plan to ban new uranium and other mining claims on 1 million acres of federal lands bordering the Grand Canyon for the next 20 years. It is my humble estimation that President Roosevelt would approve these efforts, and so do I.

''We regard attic temples and Roman triumphal arches and Gothic cathedrals as a priceless value,'' Roosevelt wrote. ''But we are, as a whole, still in that low state of civilization where we do not understand that it is also vandalism wantonly—to destroy or to permit the destruction of what is beautiful in nature, whether it be a cliff or forest, or a species of mammal or bird.''

Mountaintop mining, ocean acidification, epidemic rates of asthma—this destruction of nature is economic destruction at best, and vandalism at worst. Land, water, air—our economy, our lives—they're all at stake today.

I oppose this bill, I oppose this sentiment to cast aside rules and laws that preserve and protect, and I ask my colleagues to join me in the fight for green, clean energy.

Mr. DINGELL. Mr. Chair, the definition of insanity is doing the same thing over and over again and expecting a different result each time. We have voted over 30 times to repeal the health care law. We have already voted on a number of provisions in the bill before us. Each time the Republican majority has forced through legislation with little to no bipartisan support and each time the Senate has refused to consider any one of those bills.

Where are the jobs bills? Where are the new ideas from the Republican majority? How much time have we wasted this Congress on legislation that will never be considered by the Senate and would never be signed by the President?

A partisan agenda is not what this country needs; what we need are investments in innovative technologies and sources of energy so America does not fall further behind countries such as China, Korea, Germany, and others

who are subsidizing innovative energy technology.

This bill and the bills we've already voted on this package are simply veto bait that does nothing to help working families, invest in innovative technology, or boost our manufacturing industry.

The majority of the bill before us today deals with the Clean Air Act. In passing the Clean Air Act Amendments of 1990, which a number of my Republican colleagues in this House cosponsored, the Energy and Commerce Committee held over 70 hearings during a 10 year period and 21 more during the 101st Congress. A total of seven House Committees participated in the Conference Committee. My point in saying all of this is that any changes to the Clean Air Act must include vigorous debate, not just with the people we agree with, but also those we disagree with. It must also include careful analysis of the Clean Air Act and what problems it creates and what this Committee and Congress should do about these problems. To my colleagues I would say if there is a problem, we should use the limited time we have to address the question of what are the problems and what are the alternatives or solutions.

Just because members disagree with some of the actions taken by the EPA recently doesn't mean we need to defund and dismantle the EPA. As I have said a number of times, the Clean Air Act alone has reduced key pollutants by 60 percent since 1970 while at the same time the economy grew by over 200 percent. We can maintain a healthful environment while creating jobs and growing businesses without going back to the days of undrinkable water and unbreathable air.

We cannot simply be the House of "no." We can and we must do better for the sake of our country. I must ask my Republican colleagues, is your priority this Congress to build partisan talking points or build a stronger American economy that can compete in the global economy of the 21st century? I hope it is the latter because I know I was elected to do the work of the people and I hope my colleagues on the other side of the aisle will start doing the same.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–32. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Stop the War on Coal Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—LIMITATION ON AUTHORITY TO ISSUE REGULATIONS UNDER THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

SEC. 101. LIMITATION ON AUTHORITY TO ISSUE REGULATIONS UNDER THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.

The Secretary of the Interior may not, before December 31, 2013, issue or approve any proposed or final regulation under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) that would—

(1) adversely impact employment in coal mines in the United States;

(2) cause a reduction in revenue received by the Federal Government or any State, tribal, or local government, by reducing through regulation the amount of coal in the United States that is available for mining;

(3) reduce the amount of coal available for domestic consumption or for export;

(4) designate any area as unsuitable for surface coal mining and reclamation operations; or

(5) expose the United States to liability for taking the value of privately owned coal through regulation.

TITLE II—NO GREENHOUSE GAS REGULATION UNDER THE CLEAN AIR ACT

SEC. 201. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATION ON AGENCY ACTION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (as published at 75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and implementation and enforcement of the rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' (as published at 76 Fed. Reg. 57106 (September 15, 2011) and without further revision).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, demonstration programs and voluntary programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I substances or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act', published at 74 Fed. Reg. 66496 (December 15, 2009).

''(C) 'Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs', published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (December 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure To Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action to Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action to Ensure Authority to Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) Except for actions listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that constitutes a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISION DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 202. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be construed to waive the application of subsection (a).''.

TITLE III—TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON NATION

SEC. 301. COMMITTEE FOR THE CUMULATIVE ANALYSIS OF REGULATIONS THAT IMPACT ENERGY AND MANUFACTURING IN THE UNITED STATES.

(a) ESTABLISHMENT.—The President shall establish a committee to be known as the Committee for the Cumulative Analysis of Regulations that Impact Energy and Manufacturing in the United States (in this Act referred to as the ''Committee'') to analyze and report on the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, in accordance with sections 302 and 303.

(b) MEMBERS.—The Committee shall be composed of the following officials (or their designees):

(1) The Secretary of Agriculture, acting through the Chief Economist.

(2) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(3) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(4) The Secretary of Energy, acting through the Administrator of the Energy Information Administration.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(6) The Administrator of the Environmental Protection Agency.

(7) The Chairman of the Council of Economic Advisors.

(8) The Chairman of the Federal Energy Regulatory Commission.

(9) The Administrator of the Office of Information and Regulatory Affairs.

(10) The Chief Counsel for Advocacy of the Small Business Administration.

(11) The Chairman of the United States International Trade Commission, acting through the Office of Economics.

(c) CHAIR.—The Secretary of Commerce shall serve as Chair of the Committee. In carrying out the functions of the Chair, the Secretary of Commerce shall consult with the members serving on the Committee pursuant to paragraphs (5) and (11) of subsection (b).

(d) CONSULTATION.—In conducting analyses under section 302 and preparing reports under section 303, the Committee shall consult with, and consider pertinent reports issued by, the Electric Reliability Organization certified under section 215(c) of the Federal Power Act (16 U.S.C. 824o(c)).

(e) TERMINATION.—The Committee shall terminate 60 days after submitting its final report pursuant to section 303(c).

SEC. 302. ANALYSES.

(a) SCOPE.—The Committee shall conduct analyses, for each of the calendar years 2016, 2020, and 2030, of the following:

(1) The cumulative impact of covered rules that are promulgated as final regulations on or before January 1, 2013, in combination with covered actions.

(2) The cumulative impact of all covered rules (including covered rules that have not been promulgated as final regulations on or before January 1, 2013), in combination with covered actions.

(3) The incremental impact of each covered rule not promulgated as a final regulation on or before January 1, 2013, relative to an analytic baseline representing the results of the analysis conducted under paragraph (1).

(b) CONTENTS.—The Committee shall include in each analysis conducted under this section the following:

(1) Estimates of the impacts of the covered rules and covered actions with regard to—

(A) the global economic competitiveness of the United States, particularly with respect to energy intensive and trade sensitive industries;

(B) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach;

(C) any resulting change in national, State, and regional electricity prices;

(D) any resulting change in national, State, and regional fuel prices;

(E) the impact on national, State, and regional employment during the 5-year period beginning on the date of enactment of this Act, and also in the long term, including secondary impacts associated with increased energy prices and facility closures; and

(F) the reliability and adequacy of bulk power supply in the United States.

(2) Discussion of key uncertainties and assumptions associated with each estimate.

(3) A sensitivity analysis.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) low-income communities;

(F) public health;

(G) local and industry-specific labor markets; and

(H) agriculture,

as well as key uncertainties associated with each topic.

(c) METHODS.—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(d) DATA.—In conducting analyses under this section, the Committee—

(1) shall use the best data that are available to the public or supplied to the Committee by its members, including the most recent such data appropriate for this analysis representing air quality, facility emissions, and installed controls; and

(2) is not required to create data or to use data that are not readily accessible.

(e) COVERED RULES.—In this section, the term ''covered rule'' means the following:

(1) The following published rules (including any successor or substantially similar rule):

(A) The Clean Air Interstate Rule (as defined in section 304(a)(4)).

(B) ''National Ambient Air Quality Standards for Ozone'', published at 73 Fed. Reg. 16436 (March 27, 2008).

(C) ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters'', published at 76 Fed. Reg. 15608 (March 21, 2011).

(D) ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers'', published at 76 Fed. Reg. 15554 (March 21, 2011).

(E) ''National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'', published at 77 Fed. Reg. 9304 (February 16, 2012).

(F) ''Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities'', published at 75 Fed. Reg. 35127 (June 21, 2010).

(G) ''Primary National Ambient Air Quality Standard for Sulfur Dioxide'', published at 75 Fed. Reg. 35520 (June 22, 2010).

(H) ''Primary National Ambient Air Quality Standards for Nitrogen Dioxide'', published at 75 Fed. Reg. 6474 (February 9, 2010).

(I) ''National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants'', published at 75 Fed. Reg. 54970 (September 9, 2010).

(2) The following additional rules or guidelines promulgated on or after January 1, 2009:

(A) Any rule or guideline promulgated under section 111(b) or 111(d) of the Clean Air Act (42 U.S.C. 7411(b), 7411(d)) to address climate change.

(B) Any rule or guideline promulgated by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency under or as the result of section 169A or 169B of the Clean Air Act (42 U.S.C. 7491, 7492).

(C) Any rule establishing or modifying a national ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409).

(D) Any rule addressing fuels under title II of the Clean Air Act (42 U.S.C. 7521 et seq.) as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86, or any substantially similar rule, including any rule under section 211(v) of the Clean Air Act (42 U.S.C. 7545(v)).

(f) COVERED ACTIONS.—In this section, the term ''covered action'' means any action on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality) or title V (relating to permitting) of the Clean Air Act (42 U.S.C. 7401 et seq.), if such application occurs with respect to an air pollutant that is identified as a greenhouse gas in ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'', published at 74 Fed. Reg. 66496 (December 15, 2009).

SEC. 303. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than March 31, 2013, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 302.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 120 days after such submission.

(c) FINAL REPORT.—Not later than September 30, 2013, the Committee shall submit to Congress a final report containing the analyses conducted under section 302, including any revisions to such analyses made as a result of public comments, and a response to such comments.

SEC. 304. ADDITIONAL PROVISIONS RELATING TO CERTAIN RULES.

(a) CROSS-STATE AIR POLLUTION RULE/TRANSPORT RULE.—

(1) EARLIER RULES.—The rule entitled ''Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals'', published at 76 Fed. Reg. 48208 (August 8, 2011), and any successor or substantially similar rule, shall be of no force or effect, and shall be treated as though such rule had never taken effect.

(2) CONTINUED APPLICABILITY OF CLEAN AIR INTERSTATE RULE.—In place of any rule described in paragraph (1), the Administrator of the Environmental Protection Agency (in this section referred to as the ''Administrator'') shall continue to implement the Clean Air Interstate Rule.

(3) ADDITIONAL RULEMAKINGS.—

(A) ISSUANCE OF NEW RULES.—The Administrator—

(i) shall not issue any proposed or final rule under section 110(a)(2)(D)(i)(I) or section 126 of the Clean Air Act (42 U.S.C. 7410(a)(2)(D)(i)(I), 7426) relating to national ambient air quality standards for ozone or particulate matter (including any modification of the Clean Air Interstate Rule) before the date that is 3 years after the date on which the Committee submits the final report under section 303(c); and

(ii) in issuing any rule described in clause (i), shall base the rule on actual monitored (and not modeled) data and shall, notwithstanding section 110(a)(2)(D)(i)(I), allow the trading of emissions allowances among entities covered by the rule irrespective of the States in which such entities are located.

(B) IMPLEMENTATION SCHEDULE.—In promulgating any final rule described in subparagraph (A)(i), the Administrator shall establish a date for State implementation of the standards established by such final rule that is not earlier than 3 years after the date of publication of such final rule.

(4) DEFINITION OF CLEAN AIR INTERSTATE RULE.—For purposes of this section, the term ''Clean Air Interstate Rule'' means the Clean Air Interstate Rule and the rule establishing Federal Implementation Plans for the Clean Air Interstate Rule as promulgated and modified by the Administrator (70 Fed. Reg. 25162 (May 12, 2005), 71 Fed. Reg. 25288 (April 28, 2006), 72 Fed. Reg. 55657 (October 1, 2007), 72 Fed. Reg. 59190 (October 19, 2007), 72 Fed. Reg. 62338 (November 2, 2007), 74 Fed. Reg. 56721 (November 3, 2009)).

(b) STEAM GENERATING UNIT RULES.—

(1) EARLIER RULES.—The proposed rule entitled ''National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial- Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'' published at 76 Fed. Reg. 24976 (May 3, 2011), and any final rule that is based on such proposed rule and is issued prior to the date of the enactment of this Act, shall be of no force and effect, and shall be treated as though such proposed or final rule had never been issued. In conducting analyses under section 302(a), the Committee shall analyze the rule described in section 302(e)(1)(E) (including any successor or substantially similar rule) as if the preceding sentence did not apply to such rule.

(2) PROMULGATION OF FINAL RULES.—In place of the rules described in paragraph (1), the Administrator shall—

(A) issue regulations establishing national emission standards for coal-and oil-fired electric utility steam generating units under section 112 of the Clean Air Act (42 U.S.C. 7412) with respect to each hazardous air pollutant for which the Administrator finds such regulations are appropriate and necessary pursuant to subsection (n)(1)(A) of such section;

(B) issue regulations establishing standards of performance for fossil-fuel-fired electric utility, industrial-commercial-institutional, and small industrial-commercial-institutional steam generating units under section 111 of the Clean Air Act (42 U.S.C. 111); and

(C) issue the final regulations required by subparagraphs (A) and (B)—

(i) after issuing proposed regulations under such subparagraphs;

(ii) after consideration of the final report submitted under section 303(c); and

(iii) not earlier than the date that is 12 months after the date on which the Committee submits such report to the Congress, or such later date as may be determined by the Administrator.

(3) COMPLIANCE PROVISIONS.—

(A) ESTABLISHMENT OF COMPLIANCE DATES.—In promulgating the regulations under paragraph (2), the Administrator—

(i) shall establish a date for compliance with the standards and requirements under such regulations that is not earlier than 5 years after the effective date of the regulations; and

(ii) in establishing a date for such compliance, shall take into consideration—

(I) the costs of achieving emissions reductions;

(II) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(III) the feasibility of implementing the standards and requirements, including the time needed to—

(aa) obtain necessary permit approvals; and

(bb) procure, install, and test control equipment;

(IV) the availability of equipment, suppliers, and labor, given the requirements of the regulations and other proposed or finalized regulations; and

(V) potential net employment impacts.

(B) NEW SOURCES.—With respect to the regulations promulgated pursuant to paragraph (2)—

(i) the date on which the Administrator proposes a regulation pursuant to paragraph (2)(A) establishing an emission standard under section 112 of the Clean Air Act (42 U.S.C. 7412) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4));

(ii) the date on which the Administrator proposes a regulation pursuant to paragraph (2)(B) establishing a standard of performance under section 111 of the Clean Air Act (42 U.S.C. 7411) shall be treated as the date on which the Administrator proposes such a regulation for purposes of applying the definition of a new source under section 111(a)(2) of such Act (42 U.S.C. 7411(a)(2));

(iii) for purposes of any emission standard or limitation applicable to electric utility steam generating units, the term ''new source'' means a stationary source for which a preconstruction permit or other preconstruction approval required under the Clean Air Act (42 U.S.C. 7401 et seq.) has been issued after the effective date of such emissions standard or limitation; and

(iv) for purposes of clause (iii), the date of issuance of a preconstruction permit or other preconstruction approval is deemed to be the date on which such permit or approval is issued to the applicant irrespective of any administrative or judicial review occurring after such date.

(C) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

(4) OTHER PROVISIONS.—

(A) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.—The regulations promulgated pursuant to paragraph (2)(A) of this section shall apply section 112(d)(3) of the Clean Air Act (42 U.S.C. 7412(d)(3)) in accordance with the following:

(i) NEW SOURCES.—With respect to new sources:

(I) The Administrator shall identify the best controlled similar source for each source category or subcategory.

(II) The best controlled similar source for a category or subcategory shall be the single source that is determined by the Administrator to be the best controlled, in the aggregate, for all of the hazardous air pollutants for which the Administrator intends to issue standards for such source category or subcategory, under actual operating conditions, taking into account the variability in actual source performance, source design, fuels, controls, ability to measure pollutant emissions, and operating conditions.

(ii) EXISTING SOURCES.—With respect to existing sources:

(I) The Administrator shall identify one group of sources that constitutes the best performing 12 percent of existing sources for each source category or subcategory.

(II) The group constituting the best performing 12 percent of existing sources for a category or subcategory shall be the single group that is determined by the Administrator to be the best performing, in the aggregate, for all of the hazardous air pollutants for which the Administrator intends to issue standards for such source category or subcategory, under actual operating conditions, taking into account the variability in actual source performance, source design, fuels, controls, ability to measure pollutant emissions, and operating conditions.

(B) REGULATORY ALTERNATIVES.—For the regulations promulgated pursuant to paragraph (2) of this section, from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.), including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order No. 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

SEC. 305. CONSIDERATION OF FEASIBILITY AND COST IN ESTABLISHING NATIONAL AMBIENT AIR QUALITY STANDARDS.

In establishing any national primary or secondary ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator of the Environmental Protection Agency shall take into consideration feasibility and cost.

TITLE IV—MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS

SEC. 401. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

''SEC. 4011. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

''(a) STATE PERMIT PROGRAMS FOR COAL COMBUSTION RESIDUALS.—Each State may adopt and implement a coal combustion residuals permit program.

''(b) STATE ACTIONS.—

''(1) NOTIFICATION.—Not later than 6 months after the date of enactment of this section (except as provided by the deadline identified under subsection (d)(3)(B)), the Governor of each State shall notify the Administrator, in writing, whether such State will adopt and implement a coal combustion residuals permit program.

''(2) CERTIFICATION.—

''(A) IN GENERAL.—Not later than 36 months after the date of enactment of this section (except as provided in subsections (f)(1)(A) and (f)(1)(C)), in the case of a State that has notified the Administrator that it will implement a coal combustion residuals permit program, the head of the lead State agency responsible for implementing the coal combustion residuals permit program shall submit to the Administrator a certification that such coal combustion residuals permit program meets the specifications described in subsection (c).

''(B) CONTENTS.—A certification submitted under this paragraph shall include—

''(i) a letter identifying the lead State agency responsible for implementing the coal combustion residuals permit program, signed by the head of such agency;

''(ii) identification of any other State agencies involved with the implementation of the coal combustion residuals permit program;

''(iii) a narrative description that provides an explanation of how the State will ensure that the coal combustion residuals permit program meets the requirements of this section, including a description of the State's—

''(I) process to inspect or otherwise determine compliance with such permit program;

''(II) process to enforce the requirements of such permit program;

''(III) public participation process for the promulgation, amendment, or repeal of regulations for, and the issuance of permits under, such permit program; and

''(IV) statutes, regulations, or policies pertaining to public access to information, such as groundwater monitoring data;

''(iv) a legal certification that the State has, at the time of certification, fully effective statutes or regulations necessary to implement a coal combustion residuals permit program that meets the specifications described in subsection (c); and

''(v) copies of State statutes and regulations described in clause (iv).

''(C) UPDATES.—A State may update the certification as needed to reflect changes to the coal combustion residuals permit program.

''(3) MAINTENANCE OF 4005(C) OR 3006 PROGRAM.—In order to adopt or implement a coal combustion residuals permit program under this section (including pursuant to subsection (f)), the State agency responsible for implementing a coal combustion residuals permit program in a State shall maintain an approved program under section 4005(c) or an authorized program under section 3006.

''(c) PERMIT PROGRAM SPECIFICATIONS.—

''(1) MINIMUM REQUIREMENTS.—

''(A) IN GENERAL.—A coal combustion residuals permit program shall apply the revised criteria described in paragraph (2) to owners or operators of structures, including surface impoundments, that receive coal combustion residuals.

''(B) STRUCTURAL INTEGRITY.—

''(i) ENGINEERING CERTIFICATION.—A coal combustion residuals permit program shall require that an independent registered professional engineer certify that—

''(I) the design of structures is in accordance with recognized and generally accepted good engineering practices for containment of the maximum volume of coal combustion residuals and liquids appropriate for the structure; and

''(II) the construction and maintenance of the structure will ensure dam stability.

''(ii) INSPECTION.—A coal combustion residuals permit program shall require that structures that are surface impoundments be inspected not less than annually by an independent registered professional engineer to assure that the design, operation, and maintenance of the surface impoundment is in accordance with recognized and generally accepted good engineering practices for containment of the maximum volume of coal combustion residuals and liquids which can be impounded, so as to ensure dam stability.

''(iii) DEFICIENCY.—

''(I) IN GENERAL.—If the head of the agency responsible for implementing the coal combustion residuals permit program determines that a structure is deficient with respect to the requirements in clauses (i) and (ii), the head of the agency has the authority to require action to correct the deficiency according to a schedule determined by the agency.

''(II) UNCORRECTED DEFICIENCIES.—If a deficiency is not corrected according to the schedule, the head of the agency has the authority to require that the structure close in accordance with subsection (h).

''(C) LOCATION.—Each structure that first receives coal combustion residuals after the date of enactment of this section shall be constructed with a base located a minimum of 2 feet above the upper limit of the water table, unless it is demonstrated to the satisfaction of the agency responsible for implementing the coal combustion residuals permit program that—

''(i) the hydrogeologic characteristics of the structure and surrounding land would preclude such a requirement; and

''(ii) the function and integrity of the liner system will not be adversely impacted by contact with the water table.

''(D) WIND DISPERSAL.—

''(i) IN GENERAL.—The agency responsible for implementing the coal combustion residuals permit program shall require that owners or operators of structures address wind dispersal of dust by requiring cover, or by wetting coal combustion residuals with water to a moisture content that prevents wind dispersal, facilitates compaction, and does not result in free liquids.

''(ii) ALTERNATIVE METHODS.—Subject to the review and approval by the agency, owners or operators of structures may propose alternative methods to address wind dispersal of dust that will provide comparable or more effective control of dust.

''(E) PERMITS.—The agency responsible for implementing the coal combustion residuals permit program shall require that the owner or operator of each structure that receives coal combustion residuals after the date of enactment of this section apply for and obtain a permit incorporating the requirements of the coal combustion residuals permit program.

''(F) STATE NOTIFICATION AND GROUNDWATER MONITORING.—

''(i) NOTIFICATION.—Not later than the date on which a State submits a certification under subsection (b)(2), the State shall notify owners or operators of structures within the State of—

''(I) the obligation to apply for and obtain a permit under subparagraph (E); and

''(II) the groundwater monitoring requirements applicable to structures under paragraph (2)(A)(ii).

''(ii) GROUNDWATER MONITORING.—Not later than 1 year after the date on which a State submits a certification under subsection (b)(2), the State shall require the owner or operator of each structure to comply with the groundwater monitoring requirements under paragraph (2)(A)(ii).

''(G) AGENCY REQUIREMENTS.—Except for information described in section 1905 of title 18, United States Code, the agency responsible for implementing the coal combustion residuals permit program shall ensure that—

''(i) documents for permit determinations are made available for public review and comment under the public participation process described in subsection (b)(2)(B)(iii)(III);

''(ii) final determinations on permit applications are made known to the public; and

''(iii) groundwater monitoring data collected under paragraph (2) is publicly available.

''(H) AGENCY AUTHORITY.—

''(i) IN GENERAL.—The agency responsible for implementing the coal combustion residuals permit program has the authority to—

''(I) obtain information necessary to determine whether the owner or operator of a structure is in compliance with the coal combustion residuals permit program requirements of this section;

''(II) conduct or require monitoring and testing to ensure that structures are in compliance with the coal combustion residuals permit program requirements of this section; and

''(III) enter, at reasonable times, any site or premise subject to the coal combustion residuals permit program for the purpose of inspecting structures and reviewing records relevant to the operation and maintenance of structures.

''(ii) MONITORING AND TESTING.—If monitoring or testing is conducted under clause (i)(II) by or for the agency responsible for implementing the coal combustion residuals permit program, the agency shall, if requested, provide to the owner or operator—

''(I) a written description of the monitoring or testing completed;

''(II) at the time of sampling, a portion of each sample equal in volume or weight to the portion retained by or for the agency; and

''(III) a copy of the results of any analysis of samples collected by or for the agency.

''(I) STATE AUTHORITY.—A State implementing a coal combustion residuals permit program has the authority to—

''(i) inspect structures; and

''(ii) implement and enforce the coal combustion residuals permit program.

''(J) REQUIREMENTS FOR SURFACE IMPOUNDMENTS THAT DO NOT MEET CERTAIN CRITERIA.—

''(i) IN GENERAL.—In addition to the groundwater monitoring and corrective action requirements described in paragraph (2)(A)(ii), a coal combustion residuals permit program shall require a surface impoundment that receives coal combustion residuals after the date of enactment of this section to—

''(I) comply with the requirements in clause (ii)(I)(aa) and subclauses (II) through (IV) of clause (ii) if the surface impoundment—

''(aa) does not—

''(AA) have a liner system described in section 258.40(b) of title 40, Code of Federal Regulations; and

''(BB) meet the design criteria described in section 258.40(a)(1) of title 40, Code of Federal Regulations; and

''(bb) within 10 years after the date of enactment of this section, is required under section 258.56(a) of title 40, Code of Federal Regulations, to undergo an assessment of corrective measures for any constituent identified in paragraph (2)(A)(ii) for which assessment groundwater monitoring is required; and

''(II) comply with the requirements in clause (ii)(I)(bb) and subclauses (II) through (IV) of clause (ii) if the surface impoundment—

''(aa) does not—

''(AA) have a liner system described in section 258.40(b) of title 40, Code of Federal Regulations; and

''(BB) meet the design criteria described in section 258.40(a)(1) of title 40, Code of Federal Regulations; and

''(bb) as of the date of enactment of this section, is subject to a State corrective action requirement.

''(ii) REQUIREMENTS.—

''(I) DEADLINES.—

''(aa) IN GENERAL.—Except as provided in item (bb), subclause (IV), and clause (iii), the groundwater protection standard for structures identified in clause (i)(I) established by the agency responsible for implementing the coal combustion residuals permit program under section 258.55(h) or 258.55(i) of title 40, Code of Federal Regulations, for any constituent for which corrective measures are required shall be met—

''(AA) as soon as practicable at the relevant point of compliance, as described in section 258.40(d) of title 40, Code of Federal Regulations; and

''(BB) not later than 10 years after the date of enactment of this section.

''(bb) IMPOUNDMENTS SUBJECT TO STATE CORRECTIVE ACTION REQUIREMENTS.—Except as provided in subclause (IV), the groundwater protection standard for structures identified in clause (i)(II) established by the agency responsible for implementing the coal combustion residuals permit program under section 258.55(h) or 258.55(i) of title 40, Code of Federal Regulations, for any constituent for which corrective measures are required shall be met—

''(AA) as soon as practicable at the relevant point of compliance, as described in section 258.40(d) of title 40, Code of Federal Regulations; and

''(BB) not later than 8 years after the date of enactment of this section.

''(II) CLOSURE.—If the deadlines under clause (I) are not satisfied, the structure shall cease receiving coal combustion residuals and initiate closure under subsection (h).

''(III) INTERIM MEASURES.—

''(aa) IN GENERAL.—Except as provided in item (bb), not later than 90 days after the date on which the assessment of corrective measures is initiated, the owner or operator shall implement interim measures, as necessary, under the factors in section 258.58(a)(3) of title 40, Code of Federal Regulations.

''(bb) IMPOUNDMENTS SUBJECT TO STATE CORRECTIVE ACTION REQUIREMENTS.—Item (aa) shall only apply to surface impoundments subject to a State corrective action requirement as of the date of enactment of this section if the owner or operator has not implemented interim measures, as necessary, under the factors in section 258.58(a)(3) of title 40, Code of Federal Regulations.

''(IV) EXTENSION OF DEADLINE.—

''(aa) IN GENERAL.—Except as provided in item (bb), the deadline for meeting a groundwater protection standard under subclause (I) may be extended by the agency responsible for implementing the coal combustion residuals permit program, after opportunity for public notice and comment under the public participation process described in subsection (b)(2)(B)(iii)(III), based on—

''(AA) the effectiveness of any interim measures implemented by the owner or operator of the facility under section 258.58(a)(3) of title 40, Code of Federal Regulations;

''(BB) the level of progress demonstrated in meeting the groundwater protection standard;

''(CC) the potential for other adverse human health or environmental exposures attributable to the contamination from the surface impoundment undergoing corrective action; and

''(DD) the lack of available alternative management capacity for the coal combustion residuals and related materials managed in the impoundment at the facility at which the impoundment is located if the owner or operator has used best efforts, as necessary, to design, obtain any necessary permits, finance, construct, and render operational the alternative management capacity during the time period for meeting a groundwater protection standard in subclause (I).

''(bb) EXCEPTION.—The deadlines under subclause (I) shall not be extended if there has been contamination of public or private drinking water systems attributable to a surface impoundment undergoing corrective action, unless the contamination has been addressed by providing a permanent replacement water system.

''(iii) SUBSEQUENT CLOSURE.—

''(I) IN GENERAL.—In addition to the groundwater monitoring and corrective action requirements described in paragraph (2)(A)(ii), a coal combustion residuals permit program shall require a surface impoundment that receives coal combustion residuals after the date of enactment of this section to comply with the requirements in subclause (II) if the surface impoundment—

''(aa) does not—

''(AA) have a liner system described in section 258.40(b) of title 40, Code of Federal Regulations; and

''(BB) meet the design criteria described in section 258.40(a)(1) of title 40, Code of Federal Regulations;

''(bb) more than 10 years after the date of enactment of this section, is required under section 258.56(a) of title 40, Code of Federal Regulations, to undergo an assessment of corrective measures for any constituent identified in paragraph (2)(A)(ii) for which assessment groundwater monitoring is required; and

''(cc) is not subject to the requirements in clause (ii).

''(II) REQUIREMENTS.—

''(aa) CLOSURE.—The structures identified in subclause (I) shall cease receiving coal combustion residuals and initiate closure in accordance with subsection (h) after alternative management capacity for the coal combustion residuals and related materials managed in the impoundment at the facility is available.

''(bb) BEST EFFORTS.—The alternative management capacity shall be developed as soon as practicable with the owner or operator using best efforts to design, obtain necessary permits, finance, construct, and render operational the alternative management capacity.

''(cc) ALTERNATIVE MANAGEMENT CAPACITY PLAN.—The owner or operator shall, in collaboration with the agency responsible for implementing the coal combustion residuals permit program, prepare a written plan that describes the steps necessary to develop the alternative management capacity and includes a schedule for completion.

''(dd) PUBLIC PARTICIPATION.—The plan described in item (cc) shall be subject to public notice and comment under the public participation process described in subsection (b)(2)(B)(iii)(III).

''(2) REVISED CRITERIA.—The revised criteria described in this paragraph are—

''(A) the revised criteria for design, groundwater monitoring, corrective action, closure, and post-closure, for structures, including—

''(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding design requirements described in section 258.40 of title 40, Code of Federal Regulations, except that the leachate collection system requirements described in section 258.40(a)(2) of title 40, Code of Federal Regulations do not apply to structures that are surface impoundments;

''(ii) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding groundwater monitoring and corrective action requirements described in subpart E of part 258 of title 40, Code of Federal Regulations, except that, for the purposes of this paragraph, the revised criteria shall also include—

''(I) for the purposes of detection monitoring, the constituents boron, chloride, conductivity, fluoride, mercury, pH, sulfate, sulfide, and total dissolved solids; and

''(II) for the purposes of assessment monitoring, establishing a groundwater protection standard, and assessment of corrective measures, the constituents aluminum, boron, chloride, fluoride, iron, manganese, molybdenum, pH, sulfate, and total dissolved solids;

''(iii) for all structures that receive coal combustion residuals after the date of enactment of this section, in a manner consistent with subsection (h), the revised criteria for closure described in subsections (a) through (c) and (h) through (j) of section 258.60 of title 40, Code of Federal Regulations; and

''(iv) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for post-closure care described in section 258.61 of title 40, Code of Federal Regulations, except for the requirement described in subsection (a)(4) of that section;

''(B) the revised criteria for location restrictions described in—

''(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, sections 258.11 through 258.15 of title 40, Code of Federal Regulations; and

''(ii) for existing structures that receive coal combustion residuals after the date of enactment of this section, sections 258.11 and 258.15 of title 40, Code of Federal Regulations;

''(C) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for air quality described in section 258.24 of title 40, Code of Federal Regulations;

''(D) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for financial assurance described in subpart G of part 258 of title 40, Code of Federal Regulations;

''(E) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for surface water described in section 258.27 of title 40, Code of Federal Regulations;

''(F) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for recordkeeping described in section 258.29 of title 40, Code of Federal Regulations;

''(G) for landfills and other land-based units, other than surface impoundments, that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-on and run-off control systems described in section 258.26 of title 40, Code of Federal Regulations; and

''(H) for surface impoundments that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-off control systems described in section 258.26(a)(2) of title 40, Code of Federal Regulations.

''(d) WRITTEN NOTICE AND OPPORTUNITY TO REMEDY.—

''(1) IN GENERAL.—The Administrator shall provide to a State written notice and an opportunity to remedy deficiencies in accordance with paragraph (2) if at any time the State—

''(A) does not satisfy the notification requirement under subsection (b)(1);

''(B) has not submitted a certification under subsection (b)(2);

''(C) does not satisfy the maintenance requirement under subsection (b)(3);

''(D) is not implementing a coal combustion residuals permit program that—

''(i) meets the specifications described in subsection (c); or

''(ii)(I) is consistent with the certification under subsection (b)(2)(B)(iii); and

''(II) maintains fully effective statutes or regulations necessary to implement a coal combustion residuals permit program; or

''(E) does not make available to the Administrator, within 90 days of a written request, specific information necessary for the Administrator to ascertain whether the State has complied with subparagraphs (A) through (D).

''(2) REQUEST.—If the request described in paragraph (1)(E) is made pursuant to a petition of the Administrator, the Administrator shall only make the request if the Administrator does not possess the information necessary to ascertain whether the State has complied with subparagraphs (A) through (D) of paragraph (1).

''(3) CONTENTS OF NOTICE; DEADLINE FOR RESPONSE.—A notice provided under this subsection shall—

''(A) include findings of the Administrator detailing any applicable deficiencies in—

''(i) compliance by the State with the notification requirement under subsection (b)(1);

''(ii) compliance by the State with the certification requirement under subsection (b)(2);

''(iii) compliance by the State with the maintenance requirement under subsection (b)(3);

''(iv) the State coal combustion residuals permit program in meeting the specifications described in subsection (c); and

''(v) compliance by the State with the request under paragraph (1)(E); and

''(B) identify, in collaboration with the State, a reasonable deadline, by which the State shall remedy the deficiencies detailed under subparagraph (A), which shall be—

''(i) in the case of a deficiency described in clauses (i) through (iv) of subparagraph (A), not earlier than 180 days after the date on which the State receives the notice; and

''(ii) in the case of a deficiency described in subparagraph (A)(v), not later than 90 days after the date on which the State receives the notice.

''(e) IMPLEMENTATION BY ADMINISTRATOR.—

''(1) IN GENERAL.—The Administrator shall implement a coal combustion residuals permit program for a State only if—

''(A) the Governor of the State notifies the Administrator under subsection (b)(1) that the State will not adopt and implement a permit program;

''(B) the State has received a notice under subsection (d) and the Administrator determines, after providing a 30-day period for notice and public comment, that the State has failed, by the deadline identified in the notice under subsection (d)(3)(B), to remedy the deficiencies detailed in the notice under subsection (d)(3)(A); or

''(C) the State informs the Administrator, in writing, that such State will no longer implement such a permit program.

''(2) REVIEW.—A State may obtain a review of a determination by the Administrator under this subsection as if the determination was a final regulation for purposes of section 7006.

''(3) OTHER STRUCTURES.—For structures located on property within the exterior boundaries of a State for which the State does not have authority or jurisdiction to regulate, the Administrator shall implement a coal combustion residuals permit program only for those structures.

''(4) REQUIREMENTS.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1) or (3), the permit program shall consist of the specifications described in subsection (c).

''(5) ENFORCEMENT.—

''(A) IN GENERAL.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1)—

''(i) the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals and structures for which the Administrator is implementing the coal combustion residuals permit program; and

''(ii) the Administrator may use those authorities to inspect, gather information, and enforce the requirements of this section in the State.

''(B) OTHER STRUCTURES.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (3)—

''(i) the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals and structures for which the Administrator is implementing the coal combustion residuals permit program; and

''(ii) the Administrator may use those authorities to inspect, gather information, and enforce the requirements of this section for the structures for which the Administrator is implementing the coal combustion residuals permit program.

''(f) STATE CONTROL AFTER IMPLEMENTATION BY ADMINISTRATOR.—

''(1) STATE CONTROL.—

''(A) NEW ADOPTION AND IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(A), the State may adopt and implement such a permit program by—

''(i) notifying the Administrator that the State will adopt and implement such a permit program;

''(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

''(iii) receiving from the Administrator—

''(I) a determination, after providing a 30-day period for notice and public comment that the State coal combustion residuals permit program meets the specifications described in subsection (c); and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(B) REMEDYING DEFICIENT PERMIT PROGRAM.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(B), the State may adopt and implement such a permit program by—

''(i) remedying only the deficiencies detailed in the notice provided under subsection (d)(3)(A); and

''(ii) receiving from the Administrator—

''(I) a determination, after providing a 30-day period for notice and public comment, that the deficiencies detailed in such notice have been remedied; and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(C) RESUMPTION OF IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(C), the State may adopt and implement such a permit program by—

''(i) notifying the Administrator that the State will adopt and implement such a permit program;

''(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

''(iii) receiving from the Administrator—

''(I) a determination, after providing a 30-day period for notice and public comment, that the State coal combustion residuals permit program meets the specifications described in subsection (c); and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(2) REVIEW OF DETERMINATION.—

''(A) DETERMINATION REQUIRED.—The Administrator shall make a determination under paragraph (1) not later than 90 days after the date on which the State submits a certification under paragraph (1)(A)(ii) or (1)(C)(ii), or notifies the Administrator that the deficiencies have been remedied pursuant to paragraph (1)(B)(i), as applicable.

''(B) REVIEW.—A State may obtain a review of a determination by the Administrator under paragraph (1) as if such determination was a final regulation for purposes of section 7006.

''(3) IMPLEMENTATION DURING TRANSITION.—

''(A) EFFECT ON ACTIONS AND ORDERS.—Actions taken or orders issued pursuant to a coal combustion residuals permit program shall remain in effect if—

''(i) a State takes control of its coal combustion residuals permit program from the Administrator under paragraph (1); or

''(ii) the Administrator takes control of a coal combustion residuals permit program from a State under subsection (e).

''(B) CHANGE IN REQUIREMENTS.—Subparagraph (A) shall apply to such actions and orders until such time as the Administrator or the head of the lead State agency responsible for implementing the coal combustion residuals permit program, as applicable—

''(i) implements changes to the requirements of the coal combustion residuals permit program with respect to the basis for the action or order; or

''(ii) certifies the completion of a corrective action that is the subject of the action or order.

''(4) SINGLE PERMIT PROGRAM.—If a State adopts and implements a coal combustion residuals permit program under this subsection, the Administrator shall cease to implement the permit program implemented under subsection (e)(1) for such State.

''(g) EFFECT ON DETERMINATION UNDER 4005(C) OR 3006.—The Administrator shall not consider the implementation of a coal combustion residuals permit program by the Administrator under subsection (e) in making a determination of approval for a permit program or other system of prior approval and conditions under section 4005(c) or of authorization for a program under section 3006.

''(h) CLOSURE.—

''(1) IN GENERAL.—If it is determined, pursuant to a coal combustion residuals permit program, that a structure should close, the time period and method for the closure of such structure shall be set forth in a closure plan that establishes a deadline for completion and that takes into account the nature and the site-specific characteristics of the structure to be closed.

''(2) SURFACE IMPOUNDMENT.—In the case of a surface impoundment, the closure plan under paragraph (1) shall require, at a minimum, the removal of liquid and the stabilization of remaining waste, as necessary to support the final cover.

''(i) AUTHORITY.—

''(1) STATE AUTHORITY.—Nothing in this section shall preclude or deny any right of any State to adopt or enforce any regulation or requirement respecting coal combustion residuals that is more stringent or broader in scope than a regulation or requirement under this section.

''(2) AUTHORITY OF THE ADMINISTRATOR.—

''(A) IN GENERAL.—Except as provided in subsections (d) and (e) and section 6005, the Administrator shall, with respect to the regulation of coal combustion residuals, defer to the States pursuant to this section.

''(B) IMMINENT HAZARD.—Nothing in this section shall be construed as affecting the authority of the Administrator under section 7003 with respect to coal combustion residuals.

''(C) ENFORCEMENT ASSISTANCE ONLY UPON REQUEST.—Upon request from the head of a lead State agency that is implementing a coal combustion residuals permit program, the Administrator may provide to such State agency only the enforcement assistance requested.

''(D) CONCURRENT ENFORCEMENT.—Except as provided in subparagraph (C), the Administrator shall not have concurrent enforcement authority when a State is implementing a coal combustion residuals permit program.

''(E) OTHER AUTHORITY.—The Administrator shall not have authority to finalize the proposed rule published at pages 35128 through 35264 of volume 75 of the Federal Register (June 21, 2010).

''(3) CITIZEN SUITS.—Nothing in this section shall be construed to affect the authority of a person to commence a civil action in accordance with section 7002.

''(j) MINE RECLAMATION ACTIVITIES.—A coal combustion residuals permit program implemented by the Administrator under subsection (e) shall not apply to the utilization, placement, and storage of coal combustion residuals at surface mining and reclamation operations.

''(k) DEFINITIONS.—In this section:

''(1) COAL COMBUSTION RESIDUALS.—The term 'coal combustion residuals' means—

''(A) the solid wastes listed in section 3001(b)(3)(A)(i), including recoverable materials from such wastes;

''(B) coal combustion wastes that are co-managed with wastes produced in conjunction with the combustion of coal, provided that such wastes are not segregated and disposed of separately from the coal combustion wastes and comprise a relatively small proportion of the total wastes being disposed in the structure;

''(C) fluidized bed combustion wastes;

''(D) wastes from the co-burning of coal with non-hazardous secondary materials, provided that coal makes up at least 50 percent of the total fuel burned; and

''(E) wastes from the co-burning of coal with materials described in subparagraph (A) that are recovered from monofills.

''(2) COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—The term 'coal combustion residuals permit program' means all of the authorities, activities, and procedures that comprise the system of prior approval and conditions implemented by or for a State to regulate the management and disposal of coal combustion residuals.

''(3) CODE OF FEDERAL REGULATIONS.—The term 'Code of Federal Regulations' means the Code of Federal Regulations (as in effect on the date of enactment of this section) or any successor regulations.

''(4) PERMIT; PRIOR APPROVAL AND CONDITIONS.—The terms 'permit' and 'prior approval and conditions' mean any authorization, license, or equivalent control document that incorporates the requirements and revised criteria described in paragraphs (1) and (2) of subsection (c), respectively.

''(5) REVISED CRITERIA.—The term 'revised criteria' means the criteria promulgated for municipal solid waste landfill units under section 4004(a) and under section 1008(a)(3), as revised under section 4010(c).

''(6) STRUCTURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'structure' means a landfill, surface impoundment, or other land-based unit which may receive coal combustion residuals.

''(B) DE MINIMIS RECEIPT.—The term 'structure' does not include any land-based unit that receives only de minimis quantities of coal combustion residuals if the presence of coal combustion residuals is incidental to the material managed in the unit.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1001 of the Solid Waste Disposal Act is amended by inserting after the item relating to section 4010 the following:

''Sec. 4011. Management and disposal of coal combustion residuals.''.

SEC. 402. 2000 REGULATORY DETERMINATION.

Nothing in this title, or the amendments made by this title, shall be construed to alter in any manner the Environmental Protection Agency's regulatory determination entitled ''Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels'', published at 65 Fed. Reg. 32214 (May 22, 2000), that the fossil fuel combustion wastes addressed in that determination do not warrant regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.).

SEC. 403. TECHNICAL ASSISTANCE.

Nothing in this title, or the amendments made by this title, shall be construed to affect the authority of a State to request, or the Administrator of the Environmental Protection Agency to provide, technical assistance under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 404. FEDERAL POWER ACT.

Nothing in this title, or the amendments made by this title, shall be construed to affect the obligations of the owner or operator of a structure (as defined in section 4011 of the Solid Waste Disposal Act, as added by this title) under section 215(b)(1) of the Federal Power Act (16 U.S.C. 824o(b)(1)).

TITLE V—PRESERVING STATE AUTHORITY TO MAKE DETERMINATIONS RELATING TO WATER QUALITY STANDARDS

SEC. 501. STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''(4)'' and inserting ''(4)(A)'';

(3) by striking ''The Administrator shall promulgate'' and inserting the following:

''(B) The Administrator shall promulgate''; and

(4) by adding at the end the following:

''(C) Notwithstanding subparagraph (A)(ii), the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the Administrator's determination that the revised or new standard is necessary to meet the requirements of this Act.''.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of such Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

(c) STATE NPDES PERMIT PROGRAMS.—Section 402(c) of such Act (42 U.S.C. 1342(c)) is amended by adding at the end the following:

''(5) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO WITHDRAW APPROVAL OF STATE PROGRAMS.—The Administrator may not withdraw approval of a State program under paragraph (3) or (4), or limit Federal financial assistance for the State program, on the basis that the Administrator disagrees with the State regarding—

''(A) the implementation of any water quality standard that has been adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the State's water quality standards.''.

(d) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO OBJECT TO INDIVIDUAL PERMITS.—Section 402(d) of such Act (33 U.S.C. 1342(d)) is amended by adding at the end the following:

''(5) The Administrator may not object under paragraph (2) to the issuance of a permit by a State on the basis of—

''(A) the Administrator's interpretation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the State's water quality standards.''.

SEC. 502. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) AUTHORITY OF EPA ADMINISTRATOR.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is amended—

(1) by striking ''(c)'' and inserting ''(c)(1)''; and

(2) by adding at the end the following:

''(2) Paragraph (1) shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the Administrator's determination that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(b) STATE PERMIT PROGRAMS.—The first sentence of section 404(g)(1) of such Act (33 U.S.C. 1344(g)(1)) is amended by striking ''The Governor of any State desiring to administer its own individual and general permit program for the discharge'' and inserting ''The Governor of any State desiring to administer its own individual and general permit program for some or all of the discharges''.

SEC. 503. DEADLINES FOR AGENCY COMMENTS.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) in subsection (m) by striking ''ninetieth day'' and inserting ''30th day (or the 60th day if additional time is requested)''; and

(2) in subsection (q)—

(A) by striking ''(q)'' and inserting ''(q)(1)''; and

(B) by adding at the end the following:

''(2) The Administrator and the head of a department or agency referred to in paragraph (1) shall each submit any comments with respect to an application for a permit under subsection (a) or (e) not later than the 30th day (or the 60th day if additional time is requested) after the date of receipt of an application for a permit under that subsection.''.

SEC. 504. APPLICABILITY OF AMENDMENTS.

The amendments made by this title shall apply to actions taken on or after the date of enactment of this Act, including actions taken with respect to permit applications that are pending or revised or new standards that are being promulgated as of such date of enactment.

SEC. 505. REPORTING ON HARMFUL POLLUTANTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report on any increase or reduction in waterborne pathogenic microorganisms (including protozoa, viruses, bacteria, and parasites), toxic chemicals, or toxic metals (such as lead and mercury) in waters regulated by a State under the provisions of this title, including the amendments made by this title.

SEC. 506. PIPELINES CROSSING STREAMBEDS.

None of the provisions of this title, including the amendments made by this title, shall be construed to limit the authority of the Administrator of the Environmental Protection Agency, as in effect on the day before the date of enactment of this Act, to regulate a pipeline that crosses a streambed.

SEC. 507. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall utilize the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post such analysis in the Capitol of such State.

(b) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents. In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(c) NOTIFICATION.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the State's Congressional delegation, Governor, and Legislature at least 45 days before the effective date of the covered action.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1201 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs. Any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than $1,000,000 over any calendar year. Any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112–680. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–680.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, strike the period at line 12 and insert a semicolon, and after line 12 insert the following:

unless it is found by the Secretary of Interior, in consultation with Secretary of Health and Human Services, that such a rule would reduce the prevalence of pulmonary disease, lung cancer, or cardiovascular disease or reduce the prevalence of birth defects or reproductive problems in pregnant women or children.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself as much time as I may consume.

With just 1 more day left until Congress recesses until the election, the Republican majority has decided that, instead of dealing with real problems facing Americans by passing a jobs package dealing with the looming fiscal cliff or providing tax certainty to middle class families, we will instead debate a bill that deals with an imaginary war on coal, fabricated by Republicans in order to justify their real war on the environment, the most anti-environment Congress in history.

In reality, this bill just represents a war on us. It's the Republicans in Congress making clear that their priority is not protecting the well-being of the American people. The Republican majority has already acted on four out of the five titles in this bill, and the Senate has rejected every single one of them. The President has vowed to veto every single one of them.

The only new title that is presented is one aimed at preventing the administration from moving forward with a rule that does not yet even exist, that would limit coal mining companies from dumping tons of their toxic mining waste directly into streams and rivers.

The ironic part is that, according to CBO, this bill won't even prevent the administration from doing that. But it does prevent the administration from undertaking any action that would ensure that mountaintop mining operations are safe for workers and safe for the health of those who live and work nearby.

Mr. Chairman, I would like to, at this point, reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield 3 minutes to the gentleman from Ohio (Mr. JOHNSON), the author of title I of this legislation.

Mr. JOHNSON of Ohio. Thank you, Mr. Chairman, for yielding.

You know, it absolutely amazes me that our colleagues on the opposite side of the aisle can honestly, and with a straight face, stand up and say that this Republican-led House has not put forth jobs bills. There have been 40 jobs bills sent to the Senate from this House already. This is another jobs bill that is prepared to be sent to the Senate.

I want to also remind my colleague that the Stream Buffer Zone rule that we're talking about here today, it took 5 years to put that rule in place. The administration went after that rule with a vengeance, without even seeing what the rule would do in terms of providing the protections that they're so adamantly arguing about right now.

Instead, they used an environmental lawsuit to go after the coal industry and to undermine job creators all across America, and it's driving up America's energy prices. It's irresponsible. It's wrong. This amendment is only meant to distract the public from the job-killing policies of this administration.

The gentleman from Massachusetts knows all too well that SMCRA was not written nor intended to deal with health issues. The gentleman's amendment would change the stated goal and reason for SMCRA completely and would duplicate laws and mandates that are already in the Federal code.

The other side of the aisle also seems to think that they are the only Members of this body that are concerned about public health and the environment. Nothing could be further from the truth.

I grew up on a two-wheel wagon rut mule farm, and I know the importance of having a clean and vibrant environment. I also have kids and grandkids, and I want to ensure that our generation leaves them with an environment healthier than the one our generation inherited; however, this legislation today is about balancing job creation and economic prosperity with sensible environmental regulations. This amendment does neither of those things, and I urge all of my colleagues to defeat this amendment.

Mr. MARKEY. Mr. Chairman, I yield myself as much time as I may consume.

So the Republicans say that this legislation is all about creating jobs. They say that we will save money by passing this disastrous bill. But the numbers just don't add up.

According to the Environmental Protection Agency, mountaintop mining has already buried nearly 2,000 miles of streams with mining waste that leaches dangerous heavy metals into that water. One study puts the cost of reclaiming a stream impacted by this type of mining at as much as $800 per linear foot.

If we do a little arithmetic, $800 multiplied by 5,280 feet in 1 mile, multiplied by the 2,000 miles of streams already buried, that's $8.5 billion. That's what it would cost to clean that up. And that's just to clean up the streams that have already been decimated.

But that's not the only cost included in this provision. We also have the cost to health, the cost to children.

Studies have shown that communities located near mountaintop mining sites have as much as a 42 percent increase in infants born with birth defects. These communities also have a 16 percent higher risk of giving birth to a child with low birth weight, a factor that is closely associated with fetal death, inhibited cognitive development, and chronic diseases later in life.

And that's not all. Communities located near mountaintop mining sites also have significantly higher rates of lung disease, cardiovascular disease, pulmonary disease, and a higher likelihood that these diseases will kill them.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I'd advise my friend from Massachusetts that we're prepared to close if he is prepared to close on his side.

Mr. MARKEY. Could I inquire from the Chair how much time is remaining on either side?

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes remaining. The gentleman from Washington State has 2½ minutes remaining.

Mr. MARKEY. I yield myself the remainder of my time.

While it is impossible to put a dollar figure completely on the suffering that those families will feel, one study has put the public health burden from premature deaths in the Appalachian communities at $74 billion per year. Now, that's arithmetic that even Governor Romney would understand. In fact, when he was Governor of the great State of Massachusetts, he stood in front of a coal plant, and here's what he said. He said, ''I will not create jobs or hold jobs that kill people, and that plant kills people.''

□ 1830

My amendment is simple. It says, if the Secretary of the Interior is allowed to issue a rule that would protect pregnant women and children from adverse reproductive outcomes or birth defects or would reduce the prevalence of cardiovascular disease, pulmonary disease or lung cancer, that that rule can go into effect.

I urge all Members of this body to support this amendment, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield the balance of my time to the author of title I, the gentleman from Ohio (Mr. JOHNSON).

The Acting CHAIR. The gentleman is recognized for 2½ minutes.

Mr. JOHNSON of Ohio. I thank you, Mr. Chairman, for yielding me the balance of the time.

It is mindboggling to sit here and listen to this. I've got to remind us again that we are talking about an administration that before they even came into office said they were going to bankrupt the coal industry. That's one promise that they have kept. It's an administration whose Vice President said in 2007 that coal is more dangerous than high fructose corn syrup and terrorists. That's the kind of reasoning that we are getting out of this administration.

My colleague was quick to try and hold a math class here. Let's talk about a different set of numbers.

Let's talk about the 7,000 direct jobs that are going to be cut—that are going to be lost—if this rule goes forward. Let's talk about the thousands of indirect jobs that are going to be lost as a result of this rule going forward. Let's talk about the 50 percent reduction in coal production across America when America is still dependent upon coal for the very energy that it needs to fuel the manufacturing that America does. Let's talk about those numbers if we want to talk about what it's going to do to America if this rule goes forward.

Let's talk about the thousands of people who are going to be hurt when their families don't have jobs to go to. Let's talk about the checkbooks at the end of the month that don't balance because of increased, skyrocketing utility rates, and now Mom and Dad can't pay the bills, and they can't go buy a new pair of tennis shoes because they've got an electricity bill that's going off the charts.

When we talk about something that's going to hurt the middle class, this rule is what will hurt the middle class. It's irresponsible. This amendment does nothing to move America forward. I urge my colleagues to oppose this amendment.

Mr. HASTINGS of Washington. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. BUCSHON

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–680.

Mr. BUCSHON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I (page 3, after line 12) add the following:

SEC. ___. PUBLICATION OF SCIENTIFIC STUDIES FOR PROPOSED RULES.

(a) REQUIREMENT.—Title VI of the Surface Mining Control and Reclamation Act of 1977 (16 U.S.C. 1291 et seq.) is amended by adding at the end the following:

''PUBLICATION OF SCIENTIFIC STUDIES FOR PROPOSED RULES

''SEC. 722. (a) REQUIREMENT.—The Secretary, or any other Federal official proposing a rule under this Act, shall publish with each rule proposed under this Act each scientific study the Secretary or other official, respectively, relied on in developing the rule.

''(b) SCIENTIFIC STUDY DEFINED.—In this section the term 'scientific study' means a study that—

''(1) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to the subject matter involved;

''(2) presents findings and makes claims that are appropriate to, and supported by, the methods that have been employed; and

''(3) includes, appropriate to the rule being proposed—

''(A) use of systematic, empirical methods that draw on observation or experiment;

''(B) use of data analyses that are adequate to support the general findings;

''(C) reliance on measurements or observational methods that provide reliable and generalizable findings;

''(D) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

''(E) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

''(F) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

''(G) consistency of findings across multiple studies or sites to support the generality of results and conclusions.''.

(b) CLERICAL AMENDMENT.—The table of contents at the end of the first section of such Act is amended by adding at the end of the items relating to such title the following:

''Sec. 722. Publication of scientific studies for proposed rules.''.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Indiana (Mr. BUCSHON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUCSHON. Mr. Chairman, coal provides affordable domestic energy that supports millions of direct and indirect jobs. In my State of Indiana, 90 to 95 percent of all electrical power comes from coal. This keeps the costs of energy down, and it attracts millions of jobs to my State through our manufacturing industry.

This amendment would require that the Secretary or any other Federal official proposing a rule under this act publish with each rule the scientific studies the Secretary or other official relied on in developing the rule. This amendment is simple, and it will ensure that rules being issued are based on valid scientific studies that can be peer reviewed and replicated.

This amendment should be supported by everyone in this body who values sound science and who wants to ensure transparency with the rulemaking process. Federal agencies are promulgating more rules each year that control greater aspects of our personal and professional lives. Often these rules are pages long, instituted with little or no congressional input, and can have a devastating effect on job creation and our economy.

It is important for all Federal agencies to provide to the public the science and research behind proposed rules. It enables the scientific community and the general public to scrutinize how unelected Washington, D.C., bureaucrats are writing rules that increase costs for businesses and hurt our economy.

I have personally met with numerous government officials, such as those from the Mine Safety and Health Administration, and have discussed their rulemaking process. More than once, I have been told that proposed rules related to the coal industry are based on scientific studies and data—most recently, the underground coal mine dust regulation. I have asked to see these studies both in private meetings and in committee hearings, and I have never been provided with the scientific data that they say supports the new rule.

As a scientist and medical doctor, nobody understands the importance of good science more than I. Whether it is in medicine or whether it relates to public policy, good science makes for good policies. It's important for the Members of this body and the American people to be able to review the science and the studies that contribute to Federal rulemaking and to know that every rule and regulation is based upon sound science.

I urge my colleagues to support this amendment, requiring that we have a transparent rulemaking process that allows every concerned American to review the science behind a proposed rule.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. BUCSHON. I yield to the gentleman.

Mr. HASTINGS of Washington. I appreciate the gentleman's amendment. I think it adds a great deal to this legislation. Too often, we overlook common sense, and that's precisely what the gentleman's amendment does, so I support his amendment.

Mr. BUCSHON. I reserve the balance of my time.

Mr. MARKEY. I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

I actually have no problem with the gentleman's amendment. If he wants to require the publication of scientific studies used to develop regulations, I am just fine with that. I'm sure he knows, of course, that this is already a Federal requirement, but I don't object to the redundancy of an amendment's passing that says they should do something that they do already.

But I do want to take a moment to talk about the Republican war on science, because this bill that we are debating today is their battle plan. The essence of today's bill is that science and facts do not matter and that, when science and facts become inconvenient, we can just repeal them.

Take the provision of this bill that legislatively overturns a scientific finding that greenhouse gas pollution is dangerous, which is a decision that was made based on 2 full years of work and on a 200-page synthesis of major scientific assessments, including assessments performed by the U.S. Global Change Research Program and the Intergovernmental Panel on Climate Change's Fourth Assessment Report. In fact, the U.S. Court of Appeals in Washington recently rejected challenges to EPA's scientific endangerment finding, saying that EPA used an ''ocean of evidence'' to support its decision that it was ''unambiguously correct'' in its determination and that ''EPA is not required to reprove the existence of the atom every time it approaches a scientific question.''

Republicans decided that peer-reviewed science was inconvenient because that analysis was what started the pretend ''war on coal.'' So we have to vote again and again and again to eliminate all of that science.

This bill tells EPA to ignore the science that air pollution causes lung disease and that mercury damages children's developing brains. In fact, it tells EPA, Don't even look at the science; look at the costs. If controlling air pollution is expensive, then we shouldn't do it even if it would save lives. It says, no matter what EPA learns about the sludge that comes out of coal-fired power plants, no matter how high the concentrations of poisonous arsenic, mercury or chromium and that no matter what EPA learns about how these materials find their way into our drinking water, EPA is not allowed to scientifically determine that material to be hazardous.

This bill turns a blind eye to science. The only time Republicans value science is when science can be used as a weapon. When science can be used to delay regulations, when endless analysis can be used to create paralysis, the Republicans suddenly value science. The Republican majority doesn't like that every respected scientific entity over the last decade has concluded that greenhouse gases cause climate change.

Their solution: repeal the science.

Republicans aren't happy that the Secretary of Health and Human Services has issued a report that finds that formaldehyde causes cancer. Sure, the World Health Organization already determined that 17 years ago.

□ 1840

Their solution: We should study it again. We should allow a National Academy of Sciences review so that we can prevent the administration from taking any action to protect the public against dangerous formaldehyde. In fact, there has already been a rider to the health appropriations bill that does just that, while also stripping funding for any subsequent reports on cancer. It is a strategy taken right out of the American Chemical Council's playbook. It is act one of Big Coal's comedy of errors.

We've seen it over and over again on the House floor: first deny the science; second, delay the regulations by legislating a new scientific study to review the first science the industry doesn't like; and third, deter efforts to protect the health and security of millions of Americans by requiring yet another third party to review the scientific study that was just legislated and postponing regulatory action until after that is complete.

This bill isn't about the war on coal. It's about the Republicans' war on science. That's why we're out here. It continues unabated today.

With that, I yield back the balance of my time.

Mr. BUCSHON. May I inquire as to how much time I have?

The Acting CHAIR. The gentleman from Indiana has 2 minutes remaining.

Mr. BUCSHON. Mr. Chairman, my amendment addresses timing. Timing is important when it comes to this issue because the public needs to know and this Congress needs to know what the science is before the rule is finalized, not after the rule has already been essentially finalized and the public comment period has passed.

I had direct experience with this recently with the coal dust regulation. After the rule was essentially finalized, I asked for the data myself and was denied the data claiming that there would be HIPAA violations if they released scientific data on black lung disease, for example, that this coal dust regulation was based on, which is not true. I'm a physician, and there are scientific studies released every day in journals across America that show X-rays and other things of patients without names on them, and they don't violate HIPAA regulations.

I think the timing of this is important because if the rule is finalized, even if you see the science, it makes it very difficult to overturn the rule and the opportunity has passed for peer review and congressional review of the science behind a proposed rule.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BUCSHON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–680.

Mr. WAXMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, lines 18 to 21, strike subparagraph (B) (and redesignate the following subparagraphs accordingly).

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Chairman, this bill is 80 pages of one reckless assault after another on public health and environmental protections. It is probably the single worst anti-environment bill in the most anti-environment House of Representatives in history.

The bill continues the Republican war on science and head-in-the-sand approach to climate change, which is the biggest environmental challenge of our time. This bill attempts to legislate away the scientific findings by the Environmental Protection Agency that emissions of carbon pollution endanger public health and welfare by contributing to climate change. I have news for my Republican colleagues: You can rewrite the Clean Air Act, but you can't change the laws of nature.

In June, the D.C. court of appeals upheld EPA's endangerment finding in a unanimous decision led by the Reagan-appointed Chief Judge Sentelle. The court stated that ''EPA's interpretation of the governing Clean Air Act provisions is unambiguously correct.'' The court dismissed every challenge to the adequacy of the scientific record supporting the EPA's findings.

Now that the courts have decisively rejected the Republican arguments against the endangerment findings, House Republicans want to change the law. But denying scientific reality is not going to change climate change.

My amendment is very simple. It strikes the language in the bill that would repeal the endangerment finding. It does not fix the other egregious anti-environment provisions of the bill, but at least Congress would not be doubling down on science denial. When the Energy and Commerce Committee first produced the language in title II of the bill last year, here's what one of the world's preeminent science journals, ''Nature,'' wrote about the votes to deny the existence of climate change:

It's hard to escape the conclusion that the U.S. Congress has entered the intellectual wilderness, a sad state of affairs in a country that has led the world in many scientific arenas for so long. Misinformation was presented as fact, truth was twisted, and nobody showed any inclination to listen to scientists, let alone learn from them. It has been an embarrassing display, not just for the Republican Party but also for Congress.

What this amendment would do is to accept the scientific consensus, support our amendment, and restore the findings as they should be in this bill. It does not change the bill, except for the findings that, I think, are embarrassing to this institution and don't deserve to be in this legislation.

With that, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I would say to the gentleman that we can accept all of the scientific evidence.

When the Administrator of the EPA, Lisa Jackson, came to the committee, she was asked the question: What will happen if other countries don't do the same thing that we're doing? In other words, what's going to happen if other countries don't regulate greenhouse gases? She said the benefits for Americans will be very small, if anything, if that happens. EPA even conceded in its own analysis of its automobile regulations that it estimates it will reduce the Earth's future temperature by one one-hundredth of a degree in 90 years.

So let's just do a balancing act here. We have a regulation proposed which, when finalized, would prohibit the building of any coal-powered plant in America, and the administrator of EPA says that the regulation would be ineffective unless other countries joined in.

With that, I respectfully request the defeat of the gentleman's amendment, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman and my colleagues, I ask for support of this amendment. Let's not have the House of Representatives take a position on a bill upholding findings that are inaccurate, go against the scientific consensus, and put our head in the sand about the whole problem of climate change.

I know that many of the people that don't want to deal with climate change are going to be coming to us, asking us to bail out their farmers for the crop losses. We're going to have people coming in and asking those of us from other parts of the country to help pay for the other climate disasters. We're Americans, and we try to take care of each other, but we also owe it to this country to try to prevent the damage that we're seeing and will only increase in the years ahead if we do nothing about climate change, and certainly if we deny the very reality of the carbon emissions that are causing greenhouse gases, global warming, and climate change.

With that, I yield back the balance of my time.

Mr. WHITFIELD. I've already stated my reasons to oppose the amendment, and I would urge everyone to vote in opposition to the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. KELLY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–680.

Mr. KELLY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 202 of the Rules Committee Print, strike ''Section 209(b) of the Clean Air Act'' and insert the following:

(a) FINDING.—Congress finds that the emissions of greenhouse gases from a motor vehicle tailpipe are related to fuel economy.

(b) REPORT REQUIRED.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Congress that, notwithstanding section 201, assumes the implementation and enforcement of the final rule entitled ''2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards'' (issued on August 28, 2012) and estimates—

(1) the total number of jobs that will be lost due to decreased demand by year caused by the rule;

(2) the number of additional fatalities and injuries that will be caused by the rule; and

(3) the additional cost to the economy of the redundant regulation of fuel economy and greenhouse gas emissions by the Environmental Protection Agency and State agencies for model years 2011 through 2025.

(c) CONSULTATION.—Other than to gather basic factual information, the Secretary of Transportation shall not consult with the Administrator of the Environmental Protection Agency or any official from the California Air Resources Board in fulfilling the requirement described in subsection (b).

(d) AMENDMENT TO THE CLEAN AIR ACT.—Section 209(b) of the Clean Air Act

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Pennsylvania (Mr. KELLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. KELLY. Mr. Chairman, I yield 2 minutes to my friend from Texas (Mr. CARTER).

□ 1850

Mr. CARTER. I thank the gentleman for yielding.

This amendment would require the Secretary of Transportation to submit a report to Congress estimating: one, the number of jobs lost from the rule; two, the fatalities and injuries caused

by the rule; three the cost to the economy caused by the rule. And it prohibits the Department of Transportation from consulting with the Environmental Protection Agency or the California Air Resources Board to complete the project.

What we really have here is a situation of executive overreach. We have seen a lot from the Obama administration along those lines. He told us when Congress doesn't act, he will.

Well, the EPA has never been involved in fuel standards for the industry. This has been the job that the Congress authorized the Department of Transportation to do through the CAFE standards, Corporate Average Fuel Economy standards, not the EPA. California has State standards that they have established, but that doesn't make them the sole authority on the right standards.

What this rule will do is raise the average cost of a car by $3,000. It will cost 160,000 jobs by the Department of Transportation's own flawed analysis. It will cost industry and consumers $210 billion, the most expensive rule ever for the automobile industry.

This rule will price 7 million Americans out of the new car market. It will end the cars that are priced under $15,000. It will reduce vehicle safety mainly by reducing the weight and producing lighter vehicles, which are more susceptible to fatal collisions.

Finally, and most importantly to the State of Texas, this will reduce access to pickup trucks and other work vehicles, which are abundant in our State. This is overreach by the government.

Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

There is a tremendous revolution going on in the United States right now that the Kelly amendment would cut right to the heart of.

Between 2017 and 2025, as fuel economy standards in America would rise to 54.5 miles per gallon just because of those additional 8 years of higher fuel economy standards, we would back 2 million additional barrels of oil per day out of the United States. How much is that?

Well, let me just give you an idea. There is conversation about whether or not there might be a war with Iran. Well, the United States imports 1.8 million barrels of oil per day out of the Persian Gulf, 1.8 million barrels a day.

This amendment would kill the efforts, which the auto industry has accepted, to back out 2 million barrels of oil per day by increasing the fuel economy standards between 2017 and 2025. This is one of the most anti-national security amendments that we could ever have out here on the House floor. Combined with the dramatic increase in CO_2 that would go into the atmosphere—an additional 6 billion metric tons of CO_2 would go up into the atmosphere if this amendment passed. Now, how much CO_2 is that? That's as much CO_2 as the entire United States emitted in the year 2010 in our country.

If you look at these two issues in combination, you look at the fact that the auto workers endorsed the increase in fuel economy standards, the auto industry endorses the increase in fuel economy standards, it's not unlike this myth that's been created that it's anything other than the marketplace that is the problem that the coal industry is principally having with natural gas coming as a substitute across the country, and the petrochemical industry, and the utility industry, and consumers choosing it for home heating rather than oil.

Well, the same thing is happening here. Where's the problem? Who wants this change? The auto industry doesn't want it. The auto workers don't want it. Clearly it's a huge national security issue. And the auto industry enjoyed last year and is repeating this year record sales as their fuel economy standards go up.

So I would just say that if you care about national security, you really don't want to change the law tonight that backs out 2 million barrels of oil per day, that the industry that is living under the regulation supports. That makes no sense at all as we're getting briefed in secret this afternoon about al Qaeda all across the Middle East, all across North Africa. Why would we do this?

I reserve the balance of my time.

Mr. KELLY. Mr. Chairman, I yield myself such time as I may consume.

This is a subject I know a little bit about because my family actually has been in the business since 1953.

I find it unique that really just inside the Beltway we're able to pick and chose winners and losers, and we're able to tell people, you know what, you're not able to drive what you want to drive, and you're not able to use the source of energy that you want to use. You know why? Because we know better.

I tell you what: the track record here doesn't show me that you really know better—a $16 trillion business in the red, and it continues? I would look at the President. I think he has got a war on wheels.

The big thing about America is you were always able to pick the car you wanted to use. You could drive it anywhere you wanted. You could do anything you want. In this country you can leave here and drive to California if you want. You don't have to worry about it.

This amendment only asks us to do something that's common sense. I know that's hard to understand here. I have been here for 20 months, I'm still trying to figure it out, and I've pretty much got it down now.

When you take things away from people and replace them with something that they don't want, let me tell you what happens. When you raise the price of a car, what it does is take off the ability for somebody at the entry level to buy a car.

Now, the unintended consequences in this town are absolutely astounding. We talk about the loss of jobs. We talk about the loss of jobs, not just the people who build the cars but how about the people who make the tires. How about all the different elements that go into a car, all the different things that go into a car? We have a direct effect on these people being successful.

You have to get these cars lighter. When you make them lighter, what do you do? There's a safety impact there. The losses that we continue to put on our job creators is staggering here. I think the reason why is because most of the people here have never been a job creator. They have been debt creators.

They love coming up with legislation that the average American couldn't begin to figure out. They scratch their head and they raise their shoulders and say, how is this happening? I say it's happening by irresponsible legislation, or if we can't legislate it, let's just regulate it.

We understand what CAFE is all about. I was there when it first started. I understand, it was about dependence on foreign oil. The administration says, you know what, though? If you do this 54.5 miles per gallon, you know what? You'll save $8,000 in fuel. Now what they don't tell you is you have to drive 224,000 miles to reach that, but that's just a little detail. Why would we even worry about the details when we know so well what we're doing here? My goodness, it's evident.

Now there is a war on wheels. There's a war on fossil fuels, there's a war on just about everything here that would help a job creator create a job. Then we tell these people, look, we want you in here with both feet, we want you in the game. And all I say to these folks is, you know what? You need to get some skin in the game too. I want to see your noses bloodied a little bit when you come out with these ridiculous regulations.

I tell you what, as a job creator I'm being tired of being water-boarded by our own government. I'm tired of being told that you're going to have to meet these standards. How did you come up with those standards? Well, we have got some fuzzy science that we will bring in.

The Acting CHAIR. The time of the gentleman has expired.

Mr. KELLY. Now I will just close with this. We can continue this silliness, or we can get America back to work. My suggestion is get Americans back to work.

Mr. MARKEY. May I inquire of the Chair how much time I have remaining?

The Acting CHAIR. The gentleman from Massachusetts has 2 minutes remaining.

Mr. MARKEY. Let me just say this again, don't quote me. I'm going to

give you Dan Akerson, the CEO of General Motors. This is what he said about the standards that this amendment would repeal here tonight: Not only would it end our ability to back out 2 million barrels of oil a day that we would import from the Persian Gulf, but the CEO of General Motors says that these standards were a ''win for American manufacturers.''

□ 1900

Hear what I'm saying? The CEO of General Motors said these regulations are a win for the manufacturers of automobiles in the United States. It's not my quote. That's the CEO of General Motors. What's good for General Motors is good for America. I don't know if you've ever heard that. But let me tell you, he's not alone. It's also Ford, Chrysler, BMW, Honda, Hyundai, Jaguar, Land Rover, Kia, Mazda, Mitsubishi, Nissan, Toyota, Volvo, as well as the United Auto Workers, the State of California consumer groups, and environmental organizations. Everyone agrees on this.

So where is the opposition coming from? Who doesn't like this? Why are we having a debate here? There's no point in trying to repeal something that enhances dramatically our national security, saves consumers—because it will be 54.5 miles a gallon by the time it ends. That means since the car goes twice as far on a gallon, instead of $4 a gallon, it's only $2 a gallon. That's a big savings for everyone every time they fill up their tank. We know that the technology is there because that's every ad that we see on television every night now. It's for the new hybrid. It's for the new technology that they're all touting.

So it's all there. The industry supports these regulations that they're seeking to repeal. So it's just ideological. They don't like the government. The Republican paradox is they don't like the government, but they have to come to Washington in order to make sure it doesn't work. Here, the private sector says it's working.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KELLY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–680.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title II of the Rules Committee Print, add the following new section:

SEC. 203. REDUCING DEMAND FOR OIL.

Notwithstanding any limitation on agency action contained in the amendment made by section 201 of this Act, the Administrator of the Environmental Protection Agency may use any authority under the Clean Air Act, as in effect prior to the date of enactment of this Act, to promulgate any regulation concerning, take any action relating to, or take into consideration the emission of a greenhouse gas to address climate change, if the Administrator determines that such promulgation, action or consideration will increase North American energy independence by reducing demand for oil.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. My amendment is very simple: If you want to keep America on its current path towards North American energy independence by 2020, then let us ensure that EPA uses the authority to reduce demand for oil that this bill rescinds.

In 1985, after the first-ever fuel economy standards mandated by Congress were implemented, we imported only a quarter of our oil. But after the Republicans and the auto industry spent decades blocking further standards from being set, that number skyrocketed to a staggering 57 percent of our oil being imported on the day in 2009 when George Bush walked out of the White House. We were importing 57 percent of our oil. And remember, we put 70 percent of all the oil we consume in our country into gasoline tanks.

Well, 57 percent is a lot to be dependent upon foreign oil, especially at this perilous time in our Nation's history—paid for with money that supports Iran's nuclear program, roadside bombs in Iraq, rockets for Hezbollah and Hamas, and hate-filled Wahhabi teachings in Saudi Arabia.

We broke that destructive cycle when the Democrats passed, and to his credit, President Bush signed, the 2007 energy bill that included the energy bill that I coauthored to require new fuel economy standards to be set. President Obama accelerated the implementation and used the Clean Air Act to require additional reductions in demand for oil, and we are now back down to importing only 45 percent of our oil.

Got that arithmetic? Fifty-seven percent imported oil on the day George Bush walked out of the White House in January 2009 and 45 percent dependence today. Good job, President Obama. Let's stay on that path.

That was not accomplished by launching a war on the auto industry, because 13 major auto companies support these standards. The unions support the standards, environmental organizations.

By repealing these standards, Republicans have launched a war against every single resident of this country whose hard-earned paycheck gets poured into their gas tanks and have to pay for the defense budget to have all of that protection over in the Middle East to ensure that that oil from that dangerous part of the world comes into our country.

And let's be very clear: If the Obama administration is allowed to continue with all of its energy policies, we will be 95 to 99 percent North American energy independent by the year 2020. That is something we should not get off the path for.

I reserve the balance of my time.

Mr. WHITFIELD. I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I stand in opposition to the gentleman's amendment very simply because we know that the Clean Air Act—under the greenhouse gas regulations as proposed by EPA, it will be impossible to build a new coal-powered plant in America. Because of that, we're going to lose a lot of jobs in this country.

At this time, I yield the balance of my time to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. I thank the gentleman.

It's intriguing. And again, I've actually not just talked the talk; I've walked the walk. I'm always fascinated by these facts and figures that we throw around, and we talk about all the things that we're doing and we talk about General Motors.

The General Motors that I understand, the General Motors that my father started with in 1936 as a parts picker, was not the same General Motors that told me in 2009 I could no longer be a dealer, because it wasn't the same General Motors. You see, General Motors kind of went by the wayside and a new General Motors came into view.

And as we talk about all these folks that fell in line with what the administration wanted, of course they did. Who do they owe the money to? Who got bailed out in this great auto bailout? Who are the people whose jobs were saved? Who were the people whose pensions were made full and who was left hanging?

So we can talk about all these wonderful things that happened, and these are flights of fancy. This gets to be a little bit silly to me when the company that agreed to these new standards was beholden to the people who put them forward. It wasn't good enough that we already had standards on the books. No, no, no, no, 32½ miles a gallon aren't enough. We've got to get to 54½ miles a gallon. Why is that? Because that's what we want. We've got to get California involved. We've got to get the EPA involved. We've got to get everybody else involved.

I go back to day one when it was a CAFE standard and the idea was to get away from dependence on foreign oil.

We can talk about this and we can pretend that these things didn't happen. We can pretend that General Motors went bankrupt—and the idea of taking money from the government was to keep General Motors from going bankrupt. Amazingly, they went bankrupt. And isn't it something that a company the size of General Motors could emerge from bankruptcy in 11 days? My gosh, that's fantastic. Not only did they emerge, but you know what they were able to keep? They were able to keep carry-forward tax losses. That usually doesn't happen in normal bankruptcy. But we can game that a little bit.

So when we talk to these other manufacturers and we say we'll give a carrot here, but we also got a little stick that goes with it, yeah, they went along with it. But look who went along with it. The board of directors was not elected by shareholders. It was appointed by the administration.

Now these flights of fancy are a little bit funny inside here, but for a guy that actually walked that walk and had a dealership taken away from him—not because I couldn't run it but because the administration decided under the new General Motors that I wasn't going to be a dealer anymore—that's hard to take. My dad started in 1953, worked very hard to get there. We actually did build it. I mean, we physically built it ourselves. And now to be told, Well, we've made a decision; you're not going to.

Now, this energy stuff gets a little bit weird to me. And I know the President likes to take credit for all the things that the Bush administration did. The fact of the matter is permitting has been stopped. And what I would encourage all Members to do is go out in the field, talk to the people in the coal business, talk to people in the oil business, talk to people that are having a tough time staying open because they can't get a permit. Now you can get a permit, but you just have to wait in line a long time to get it.

These things, again, this is common sense. And if we can't come together in this House and do what's right for the people of the United States, then there's something dramatically wrong. We've got tremendous natural resources. You just have to take advantage of it.

Mr. MARKEY. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 2½ minutes.

Mr. MARKEY. Again, let me make this very clear. The increase in the fuel economy standards that we're debating here were the fuel economy standards that George W. Bush signed into law in December of 2007.

□ 1910

That was George W. Bush. The increase in the fuel economy standards that we're talking about here tonight are all supported by General Motors and Ford, all the major 13 auto manufacturers in the United States. The standards that we're talking about that the Republicans want to repeal are supported by the United Auto Workers and by all of the major environmental groups.

Where is the fight? It's George Bush and General Motors and the environmental groups. You are all saying that you want Washington to work. You're all saying you want partisanship to be put aside. How can you look past something here that is the perfect example of how the whole system should work?

You know, Bill Clinton said it right at the Democratic convention. It's all about the arithmetic. The D in the automobile is to drive forward; the R is for the reverse. The R's are the Republicans; the D's want to continue to move forward. They're trying to put this country in reverse here tonight, reverse a consensus that was established when George Bush was President that we had to do something about imported oil, and this is the act that we all agreed that we had to take.

So what does this legislation portend for our country? Well, jobs saved: 1 million plus; gas pump savings: double the gas mileage means the consumers' costs are cut in half no matter where they drive in these new, more efficient vehicles; and energy independence. When it's all said in done, it's 3.1 million barrels of oil per day, and we can tell the Middle East we don't need their oil any more than we need their sand.

I'm missing something in this debate. I still haven't heard why you would want to repeal something that helps our country on so many fronts and at the same time reduces, by 6 billion metric tons, the amount of CO_2 that goes into the atmosphere that is dangerously warming our planet while America is going to sell 14 million new vehicles this year, the most since 2007, since the recession started, under this new law.

I urge adoption of the Markey amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

The Acting CHAIR. The amendment is agreed to.

Mr. BENISHEK. Mr. Chairman, I demand a recorded vote.

Mr. MARKEY. If I may inquire, I do not think that that objection was, in fact, made in a timely fashion, Mr. Chairman.

The Acting CHAIR. The gentleman from Michigan was on his feet seeking recognition in a timely manner.

A recorded vote is requested.

Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. BENISHEK

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–680.

Mr. BENISHEK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 15, line 16, insert ``, including health effects associated with regulatory costs'' before the semicolon.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Michigan (Mr. BENISHEK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. BENISHEK. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple. It's a single line that adds, at line 15, ``including the health effects associated with the regulatory costs.''

It's a simple principle. Regulations cost money to implement. No one will dispute that. In fact, when the EPA or any other Federal agency wants to issue a new regulation, it's legally obligated to let Americans know both the costs and the benefits of these proposed rules. However, due to a narrow interpretation of this obligation, the EPA often avoids measuring all aspects of the full costs of its proposed regulations, including the impact of jobs lost and the adverse health effects of those lost jobs.

Why is this important? I'm a doctor, and there's near universal agreement among doctors, scientists, and statisticians that joblessness and higher energy prices result in negative health outcomes—including suicide, respiratory illness, and a much higher likelihood of early deaths.

Despite this, the EPA never admitted that there was a simple negative health effect resulting from its heavy-handed air quality regulations.

Dr. Harvey Brenner of the University of North Texas has found that a substantial reduction in coal-powered electricity could cause between 170,000 and 300,000 premature deaths.

A 2011 study by the Stony Brook University found that the risk of premature death was 63 percent higher for people who experienced an extended period of unemployment.

According to a 2012 report by the American Legislative Exchange Council, Michigan will rank as the fifth worst hit State impacted by the EPA's most recent onslaught. Total job losses in the State could reach almost 15,000.

To make matters worse, while employment is decreasing, the electricity rates would be increasing, potentially by as much as 30 percent. Not only would EPA regulations be responsible for Michigan residents losing their jobs and paying more for electricity, it's estimated the State could lose $1.9 billion in manufacturing output by 2015,

as well as suffer a loss of $1.7 billion in the State and local government revenue.

Let's talk a little bit more about the families in Michigan.

We know that the 54 percent of Michigan families that earn $50,000 or less a year currently spend 23 percent of their after-tax income on energy and that Michigan families earning $10,000 a year or less devote 85 percent of their income to energy.

As for jobs, a recent study on the economic impact of lakes-seaway shipping found that waterborne commerce sustains almost 27,000 jobs in Michigan. In 2008, over 16 million tons of coal were delivered to Michigan ports, most via the Soo Locks in my district.

Although the amount of mercury emitted from U.S. power plants has been cut in half since 2005, the Obama administration continues to insist on implementing harsh new regulations that will not only increase energy prices, but they allow marginal benefits. For example, the EPA already admits that virtually all, more than 99 percent of the claimed benefits of the Utility MACT rule will come from reductions in particulate matter that is already regulated under separate regulations.

Families in my district simply can't afford these burdensome regulations, and they deserve an administration that will be truthful about the real economic and health impact of any regulations they propose.

I urge Members to support my amendment which, again, is simple. The underlying bill creates an interagency committee to assess the cumulative impacts of current and pending environmental regulations. My amendment would simply require this committee to evaluate the health effects associated with the regulatory costs.

Like everyone, I want clean air and water. I grew up on the Great Lakes. I believe those of us who call northern Michigan ''home'' are blessed to live near three of the five Great Lakes. Anyone who visits our area is able to enjoy the clear blue waters of our vast lakes that stretch from horizon to horizon. I would never vote for a bill that would endanger such a national treasure.

My friends across the aisle will make all kinds of claims, but the truth is this: This bill does not affect the authority under the Clean Air Act to regulate mercury and other hazardous air pollutants but, rather, will help ensure that those regulations are cost effective and use improved processes.

Right now, my constituents need jobs, not more regulations. Our Federal agencies need to consider the full costs, both health and economic, of proposed regulations.

Mr. Chairman, I thank you for my time, and I urge my colleagues to vote for my amendment and the underlying bill.

I reserve the balance of my time, if there's any left.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MARKEY. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. I thank the Chair.

I yield myself such time as I may consume just to say that this amendment just makes a terrible bill even worse. The bill requires a new interagency committee to conduct an impossible study of EPA rules that haven't even been proposed using data that doesn't even exist. This amendment requires additional nonexistent information to be included in the study.

My colleague's amendment would require an interagency committee to examine what he calls the health effects of regulatory costs. This is ironic since the Republicans have shown little interest in discussing the health effects of the legislative monstrosity which we are debating today.

I urge my colleagues to oppose this amendment and to oppose the bill, and I yield back the balance of my time.

□ 1920

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. BENISHEK).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. HARRIS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–680.

Mr. HARRIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 21, line 18, strike ''and''.

Page 22, line 2, strike the period and insert a semicolon.

Page 22, after line 2, insert the following:

(iii) shall not issue any proposed or final rule under section 109 of the Clean Air Act (42 U.S.C. 7409) that relies upon scientific or technical data that have not been made available to the public; and

(iv) shall not issue any proposed or final rule under section 109 of the Clean Air Act (42 U.S.C. 7409), unless the accompanying regulatory impact analysis, as required under Executive Order 12866, is peer reviewed in a manner consistent with the Office of Management and Budget's ''Final Information Quality Bulletin for Peer Review'' and the third edition of the Environmental Protection Agency's ''Peer Review Handbook''.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Maryland (Mr. HARRIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HARRIS. Mr. Chairman, the sad fact is that the Environmental Protection Agency bases its regulations on data and modeling that is often withheld from the public. My amendment simply requires that the Environmental Protection Agency make available to the public the data that regulations are based on and to follow its own guidelines and submit regulatory impact analyses to peer review. It's my hope that transparency, sound science and peer review are principles that everyone can support.

For example, it is frequently claimed that the Clean Water Act generates benefits that outweigh costs by a 30–1 ratio, but almost 90 percent of these claimed benefits are based on two studies whose underlying data has never been made public. I can verify this firsthand because for the last year I've asked the administration at committee hearings and on the record for this information and have been repeatedly rebuffed. This is not an acceptable way to run a regulatory agency that impacts our country's health, economy, unemployment—as we heard from the gentleman from Michigan—and ability to compete internationally.

Both President Obama's senior science adviser and the head of EPA's independent science advisory board agreed with me at recent hearings that the scientific data used by the government to justify its regulatory actions should be made publicly available. EPA also states in its own Peer Review Handbook that ''one important way to ensure decisions are based on defensible science is to have an open and transparent peer review process.'' Unfortunately, when EPA conducts a cost-benefit analysis for these major Clean Air Act rules, they are not subjected to peer review.

Mr. Chairman, we live in a world where people increasingly expect direct access to information. Government regulations should be able to withstand public scrutiny. If the benefits outweigh the costs, then prove it; and if you believe that a government regulation is justified, then you should have nothing to hide.

I respectfully request support for my amendment, and I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. I yield myself such time as I may consume.

This amendment would prevent EPA from using important high-quality scientific research when setting standards to protect public health and save lives. This amendment establishes an entirely new requirement when EPA sets national ambient air quality standards—the scientific health-based standards that essentially tell us how much pollution is safe to breathe. Under this amendment, EPA cannot use any study in setting these air quality standards unless the study's underlying data has been made public.

Why is this a problem? Because data sets underlying peer-reviewed scientific studies are the private property of the scientists that gathered them. In many cases, those data sets may include confidential business information, or personal information such as

an individual's health records. And the public availability of underlying data is not relevant to the quality of a study. Publication of data sets is not required by peer review journals and such publication is not a common practice in the scientific community.

EPA cannot require scientists to give up their private property when they publish their peer-reviewed studies, so in many cases this amendment would block EPA from using relevant, high-quality studies. This policy has long been on the industry's wish list, and we just have to make sure that we don't make it possible for them to put it on the books as a law. This is not because of the data quality concerns or transparency concerns, but because all of these studies conclusively show that air pollution kills people, which is the very subject they do not want to be able to debate.

This is a very dangerous amendment, and I urge my colleagues to vote ''no.''

I yield back the balance of my time.

Mr. HARRIS. Mr. Chairman, what's there to hide? As I said, if a regulation is justified, why should the government hide data from the public in their justification of a regulation?

Mr. Chairman, I've done scientific studies. I've been the peer reviewer on scientific studies. If I have a question about data, I ask for it and I get it and I review it myself. This is the same access the public should have.

Nobody wants dirty air, nobody wants dirty water; but if we're going to pass job-killing regulations, we better be sure that that is sound science it's based on. That's what this amendment does, and I urge support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. HARRIS).

The amendment was agreed to.

Mr. HARRIS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POMPEO) having assumed the chair, Mr. WOODALL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3409) to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977, had come to no resolution thereon.

FEDERAL RESERVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, I appreciate you coming in tonight and allowing me to have the time.

I'm going to get a little outside of my comfort zone tonight, Mr. Speaker. You talk about the 20 months you and I have been on the job here in this body. We've talked a lot about tax policy. And I feel like we're going to have a conversation. I think, as we stand in this Chamber a year from today, we will have signed fundamental tax reform into law. I'm excited about seeing this body do that.

I think about health care reform. As we stand here today, I feel like this time next year, we will have much more freedom in our health care system. I feel like we'll have skin in the game in our health care system. That's a conversation that America has had and will continue to have.

But a conversation America has not been having, Mr. Speaker, is one about the Federal Reserve and what the Federal Reserve is doing to help with jobs and the economy. We talk about that here on the floor of the House on a regular basis: What are we doing to help jobs and the economy?

As you know, Mr. Speaker, we have about 30 bills sitting over in the Senate that we've passed here in the House that would stimulate the economy, that would help American workers get back to work, but the Senate has failed to act. And in the absence of action by the Senate and in the absence of being able to move legislation to the President's desk, the economy continues to flounder.

□ 1930

The President has orchestrated about $800 billion worth of stimulus programs, but that has not gotten the economy back on track. Not only did we not get unemployment down, it continued to rise under that stimulus program. And so what we have, and so if you folks in America talk about it, we have an independent Federal Reserve that engages in monetary policy, and these days, in economic stimulation.

I want to point, Mr. Speaker, to an article by—well, I'll call him Dr. Phil Gramm. I mean, in fact, he's Senator Phil Gramm, from the great State of Texas, but he was born in the great State of Georgia and got his Ph.D. from the University of Georgia, his Ph.D. in economics. And he had an article in The Wall Street Journal just this past week, and I want to tell you what it said.

Phil Gramm writes this, Senator Gramm writes this, Dr. Gramm writes this:

> Since mid-September of 2008, the Federal Reserve balance sheet has grown to $2.8 trillion, from $924 billion, as it purchased massive amounts of U.S. Treasury's and mortgage-backed securities. To finance these purchases, the Fed increased currency and bank reserves, base money. That kind of monetary expansion would normally be a harbinger of inflation. However, the bank's holding the excess reserves, rather than lending them out, and with velocity, the rate with which money turns over, generating national income at a 50-year low and falling, the inflation rate has stayed close to the Fed's 2 percent target.

Now, Mr. Speaker, I work hard. I study hard. I get through paragraph one of Dr. Gramm's editorial, I'm already getting confused because we don't spend enough time talking about velocity of the money supply. We don't spend enough time talking about what the Federal Reserve's doing in terms of purchasing the bonds. And we don't spend enough time talking about monetary expansion.

But let me get into some terms that we do talk about more, Mr. Speaker. The second paragraph of the editorial. While the Fed considered its previous rounds of easing, QE1, QE2 and Operation Twist, the argument was consistently made that the cost of such actions was low because inflation was nowhere on the horizon.

That same argument is now being made as the central bank contemplates QE3 during the Federal open market committee meetings on Wednesday and Thursday. Inflation is not, however, the only cost of these unconventional monetary interventions. As investors try to predict the timing and effect of Fed policy on financial markets and on the economy, monetary policy adds to the climate of economic uncertainty and status already caused by current fiscal policy. There will be even greater costs when the economy begins to grow, and the Fed, to prevent inflation, has to reverse course and sell bonds and securities to the public.

Now, I'm not going to say that's still perfectly clear, Mr. Speaker. But I am going to say, we're starting to talk about QE1, QE2, now QE3 because that open market committee met and decided to proceed with QE3, and Operation Twist. Now what are these terms, and why don't we talk about them more often?

Let me just go briefly, Mr. Speaker, to the Federal Reserve Act. Just to be clear, section 2(a), monetary policy objectives, this is what, we, the Congress, Mr. Speaker, have charged the Federal Reserve with. And I'll quote from the statute:

> The Board of Governors of the Federal Reserve System and the Federal Open Market Committee, shall maintain long-run growth of the monetary and credit aggregates commensurate with the economy's long-run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates.

Now, when folks want to know what it is the Federal Reserve does, this is the congressional mandate: increase production so as to promote efficiently—effectively, pardon me—the goals of maximum employment, stable prices, and moderate long-term interest rates.

Now, Mr. Speaker, I'm not a Ph.D. economist, but I've taken a few economics classes over the years. And what I would tell you is I have always imagined that full employment and stable prices and moderate long-term interest rates are often in conflict with one another.

You know, when you want to stimulate the economy, you try to lower interest rates so folks borrow more

money, so folks create more jobs. You want to put more money in the hands of our small business owners, our job creators, want to create jobs with other people's money when interest rates are low so that we can bring unemployment low.

When interest rates go higher, folks borrow less money. When they borrow less money, perhaps unemployment goes up.

These are conflicting goals, but we've tasked the Federal Reserve with both of those. And I want you to see, Mr. Speaker, what that brings us to today.

I've got a chart here, and you're not going to be able to see it from where you stand, but it's the last 5 years of the Federal Reserve balance sheet. And I'd be interested to take a poll here, Mr. Speaker, folks back in their office watching on TV: how many folks have taken a look at the Federal Reserve's balance sheet? I don't mean take a look in the last 10 days, I mean who's taken a look in the last quarter?

Maybe in calendar year 2012, Mr. Speaker. How many folks have taken a look at the balance sheet in 2012? Maybe not even 2012. What about this session of Congress? What about this new decade? How many folks have taken a look at the Federal Reserve balance sheet? Because what you see at the Federal Reserve balance sheet, Mr. Speaker, is a dramatic change.

You're not going to be able to see these numbers here, but they run from zero on the balance sheet up to $1 trillion, up to $2 trillion, up to $3 trillion. You know, we throw trillions around in this town, Mr. Speaker, like they're nothing. A trillion's a big number. It's a million millions.

And historically, if you go back, and you see it here on the chart, 2007, 2008, going back into 2006, in general, the Federal Reserve, in order to keep liquidity in the economic system, in order to make sure that our financial system doesn't have fits and starts, kind of lubricates that system, makes sure everything's moving at the proper pace, keeps just under about $1 trillion on its balance sheet, the debt that it buys, money that it's lending.

It will buy Treasurys to keep that market fluid. It has a window that it will lend to banks to keep that market fluid.

And what we see here, represented by this beige line here, is that going back into 2007 and 2008, most of that balance sheet was comprised of this traditional activity, with a little bit of lending to financial institutions.

Now, you remember, Mr. Speaker, when folks got so scared back in 2008 and we started to talk about TARP and the bank bailouts, we were going into the fall of that year and wondering if fiscal calamity was on the horizon. And this Congress passed, before you and I got here, measures to expand our aid to financial institutions, to increase that lubrication to make sure that dollars continued to flow.

And so you see it represented here on this gray line, Mr. Speaker, as the Federal Reserve's balance sheet expanded with loans to banking institutions.

Now, I don't mean expanded a little. Traditionally we're here, just about $800 billion. Within the period of one quarter, we more than doubled that to $2.2 trillion, almost tripled it.

Now, hear that again. This is an institution that exists to keep markets fluid, to prevent hiccups in our financial process, to make sure, again, full employment, long-term interest rates are stable, price stability. Tripled its balance sheet almost overnight in the name of protecting us from an economic collapse.

And the balance sheet has not just stayed there since the fall of 2008, it's grown even larger. But the components have begun to change, and that's why it's important to begin this conversation, Mr. Speaker. Again, I'm not a Ph.D. economist. I don't claim to have all the answers. But what I do claim to know is, we're not spending enough time, as a Nation, talking about the role of the Federal Reserve.

You know, the Federal Reserve's an independent agency. It's supposed to make decisions on its own. Whenever someone complains to me, Mr. Speaker, about what's going on with the Federal Reserve, I say, I understand that you have some concerns with the Federal Reserve, but the only thing worse than an independent Fed Chairman making these decisions would be a Republican Party chairman and a Democratic Party chairman making these decisions. I mean, we've made it outside of Congress to keep partisanship out of it, to try to do the best economic thing instead of the best political thing.

But this is what's happened on our watch. The Fed has tripled the size of its balance sheet. First it was loans to bank, represented here by gray. Then it turned to liquidity in other credit markets, demonstrated by this blue, and then it turned to mortgage-backed securities and long-term American debt.

Now what does that mean?

□ 1940

That means that the Fed decided that no one wanted to buy mortgage-backed securities in this country and that, in the collapse of Fannie Mae and Freddie Mac, uncertainty took over in the marketplace, and it began to slow and, in fact, began to bind up as those mortgage-backed securities either began to fail or ceased to move, and so they began to buy them in record numbers represented here. It started out as just a little. Now it's over $1 trillion in mortgage-backed securities going through 2010. Couple that then with long-term bond purchases—American debt.

Here we have an American banking institution, the Federal Reserve, buying American debt. Now, don't think too hard about that. Don't think too hard about what it means when the folks who control your money supply begin to buy your debt so that you begin to pay your interest to the Federal Reserve, which then returns all of its profits back to the government. You begin to see you're taking it out of your left pocket and you're putting it into your right pocket—taxing the one hand and paying the other hand. It gets circular in a hurry, and it puts us, as a Nation, on the hook for these actions.

Again, in 5 years—2007 to 2012—and really, the fall of 2008 to 2012—4 years, 48 months—we tripled the size of the Federal Reserve's balance sheet and changed its composition from what has historically been traditional security holdings and loans to banking institutions to making those the two smallest parts of the chart and making long-term debt and mortgage-backed securities the largest part of the chart. That's what we've heard from the Federal Open Market Committee, Mr. Speaker, is that we're going to continue that program to the tune of about $40 billion a month.

These aren't actions that have no consequences. I'm looking here at yesterday's Wall Street Journal, and the headline is this: ''Governments Brace for Currency Onslaught Ahead of QE3.'' Again, ''QE'' stands for ''quantitative easing.'' It's talking about pumping more liquidity into the marketplace—trying to keep the lubrication going in the American economy—and it's the expansion of the balance sheet. We have some charts that show what happened after QE1 and what happened after QE2 and Operation Twist. This was in yesterday's Wall Street Journal. It was not an editorial, but it was from their reporting pages.

The Wall Street Journal says this:

> In the previous round of Fed quantitative easing, which was dubbed QE2, the dollar weakened significantly. In the 13 months from June 2010—when expectations of more Fed stimulus first began to rise—until the $600 billion bond-buying program wound up the following summer, the Wall Street Journal Dollar Index—a measure of the dollar's value against a basket of major currencies—lost 18 percent of its value.

I just want you to think about that for a moment. We're here arguing about what's going to happen with the fiscal cliff, and, of course, the House has acted to prevent taxes from rising on all American families come January. The Senate has not yet acted. We're trying to push that bill through the Senate, and we're trying to get the President on board. We're trying to prevent tax increases—a major part of what we do in this body and a major focus of the American taxpayer.

All you have to do is to go back to December 2010, which was when Speaker NANCY PELOSI was running this U.S. House, when Majority Leader HARRY REID was running the United States Senate, when President Obama was sitting in the White House, and when a big election had just been held in November of 2010. That election brought 99 new freshmen to this body. It turned over a tremendous number of Members, which was the largest number we'd seen in decades, and America said, I

don't have any more money to give Washington. I'm voting ''no'' on new taxes.

So what happened?

In the lame duck session—November and December of 2010—Speaker NANCY PELOSI, Majority Leader HARRY REID, and President Barack Obama came together and extended the Bush tax rates for an additional 2 years. They refused to raise taxes on the American people because the American people had just had a giant referendum in the November election, and Washington responded. Folks who hated the Bush tax rates—who demonized the Bush tax rates, from whom I've never heard a nice thing said about the Bush tax rates—came together to extend those tax rates for 2 additional years. Why? Because the American people demanded it.

In reading from yesterday's Wall Street Journal—call it causative, call it correlated, call it coincidental—in 13 months of QE2, $600 billion of bond-buying, the value of the American dollar against world currencies fell by 18 percent, which is, in effect, an 18 percent instant tax on every single dollar in every single American pocket in this country.

If you're not thinking through that, I mean, here is the story. You're going to Walmart to buy those Chinese tennis shoes for your kids. Now, when the American dollar—the value of what a dollar buys on the world marketplace—falls 18 percent, that means the cost of those Chinese sneakers rises by that same amount because the dollar is worth less and foreign currencies are worth more. It helps U.S. exports, because what we've produced here becomes worth less and it makes it easier for foreign companies and corporations and nations to buy it, but it makes all of our savings, all of the dollars in our pockets, worth less, too. This is 18 percent, Mr. Speaker, in 13 months.

You and I were not in Congress at that time, but I wonder: How many letters do you think folks got, Mr. Speaker? How many phone calls do you think came in to say, ''I'm watching the activities of the Federal Reserve. I've been studying their balance sheet. I'm deeply engaged in the actions of the $600 billion bond-buying program and QE2, and I see that the value of the dollar against a market basket of world currencies is falling by 18 percent, and I want Congress to fix it''?

Now, Mr. Speaker, you and I were not here, but if this House of Representatives had raised taxes by 18 percent on every American family, there would have been a riot. Phones would have lit up. Mailboxes would have been jammed packed. Email accounts would have been pumped full as American consumers would have said this is not the right direction for America. But who is talking about it when the Federal Reserve creates exactly that same impact through monetary policy? Again, I'm not saying it's right or wrong. We have to make these decisions as a Nation. What I'm saying is there hasn't been enough debate on that topic.

Let me go on. Again, this is from yesterday's Wall Street Journal:

> The dollar followed a similar but slower path leading to the QE3 announcement last week. The Wall Street Journal Dollar Index hit a 22-month high in July.

That means that our dollar was valued high against a market basket of world currencies, which meant spending a dollar bought more goods than it historically buys. It's a 22-month high. It bought more goods in July than it bought in any other month over 22 months.

The Wall Street Journal goes on:

> It then started to slide gradually before dropping sharply once Fed Chairman Ben Bernanke signaled the Central Bank's plan at his speech in Jackson Hole, Wyoming, on August 31. The index is now 6 percent off its July high.

From July to September, every dollar in every American pocket and in every community across this land is worth 6 percent less than it was just 3 months ago.

How many letters have you gotten, Mr. Speaker? How many letters have you received from your constituents to say that every single dollar they're earning in their paychecks, that every single penny in their children's piggybanks, that every single bank account, that every single stock purchase—that every single dollar of wealth we have in this country—now buys 6 percent less?

Again, Ben Bernanke is a bright guy. Alan Greenspan before him was a bright guy. We have this independent Federal Reserve so that we can have really smart people who are studied, schooled—decade upon decade—in the economics of our land and of our world make these decisions. But they impact us, and we're not having that national discussion about what that impact is. This is 6 percent in just the past 3 months.

□ 1950

We talk a lot about Social Security and Medicare, and certainly there's an impact on our seniors, Mr. Speaker, with both of those major programs that we've all paid into out of our paychecks all of our lives. But what about folks on a fixed income? Because, again, part of this Federal Reserve policy, there is the expansion of the balance sheet side, and there's also the controlling of the interest rate side. Of course, we've pushed interest rates low.

What I have here, Mr. Speaker, is a chart of interest rates in this country that is kind of a 10-year bond yield. It is a number that is looked at around the globe. This chart goes from January of 2009 up to September 2012. What you see in green is the beginning of quantitative easing, QE1 in green. You see the end of QE1 in red. As we begin to put more and more and more money into the marketplace, lubricate that marketplace more and more and more, the cost of borrowing money went higher and higher and higher until QE1 ends and interest rates collapse. Then we announce QE2. Here in green you see where QE2 begins. You see in red where QE2 ends. As soon as QE2 ends, interest rates collapse. Operation Twist begins.

Here we are with average 10-year yields, Mr. Speaker, going back over the last 3 years. This is what we're usually paying for money. This is what we're paying for money right now. These are the lowest interest rates we've seen—well, not just in a generation, Mr. Speaker—in decades. Let me go on.

This is that dollar index that I talked about, that market basket of world currencies. How much is a dollar worth? Again, let's look. QE1 begins, the value of a dollar spikes briefly. Throughout QE1, the value of a dollar collapses and rises towards the end of QE1. As soon as QE1 ends, the value of a dollar spikes again—QE2. Again QE2 begins. By the time QE2 ends, we see the dollar valued substantially less.

What's the discussion around the family dinner table, Mr. Speaker? You can't find a household in this Nation that hasn't had a discussion about their tax bill. I daresay you wouldn't find many households in this Nation that haven't had a discussion about the regulatory burden that is being placed on them by the Federal Government today, the challenges of going out and creating a business or building a new job because of the regulatory burden.

But how many folks are sitting around the dinner table talking about this small group of men and women, the Federal Open Market Committee, the chairman of the Federal Reserve, and what they're doing that both obligates Americans and impacts our fiscal and economic future, and what they're doing to try to create those jobs and keep interest rates low for America today?

This is the chart that concerns me the most, Mr. Speaker, because we're borrowing at record low interest rates. The Federal Reserve is doing a lot of buying of American debt too. Again, I talked about the left hand and the right hand, and we're paying ourselves because we're borrowing from ourselves and lending to ourselves. These are all just clicks of the mouse these days. It's not dollars that are changing hands. We're just clicking the mouse.

What happens borrowing a trillion dollars a year, Mr. Speaker? You and I are working hard to curtail that. Of course, discretionary spending in the 20 months you and I have been here, we reduced 2010. When we went into 2011, we came lower than 2011. When we went into 2012, we now sent a continuing resolution to the Senate that brings us even lower in 2013. We're in 2012. We're absolutely saving those dollars one dollar at a time, but we're still borrowing a trillion tax dollars a year. Whose buying that debt, Mr. Speaker?

In the early 1970s, it would have been us. That's been the history of this

country. We, the American people, buy our debt. Thrift was valued, and we take our hard-earned dollars, we take those dollars we've accumulated as families through our thrift, and we buy American bonds with them. We reinvest in America. And when America pays interest on those bonds, that interest comes back to us as American families.

But over the past four decades, that's begun to change dramatically. The mix of who's buying those bonds has moved from American families and American institutional investors and is drifting aggressively towards foreign purchasers.

That's just the way it is. We don't have any thrift in this country anymore. No one is saving money in this country anymore. American has debt it has to sell. It can't sell it to American families because American families don't have jobs and don't have money, so they've got to sell it to foreigners: China, Germany, Japan. That's the way the economy is today, Mr. Speaker.

I've represented those lines here. This is a percent of GDP. That's what this chart is. This is a baseline here, zero percent of GDP. It goes back to the year 2000. We're just looking at the last decade. It comes out to 2012. The question is: Year over year, who's buying Treasury securities? Is it the private sector, individuals, and institutional investors? That's the green line. Is it foreign investors? That's the blue line. Or is it the Federal Reserve?

Again, I don't know who is following those things day to day, Mr. Speaker. It's not coming up at town hall meetings. It's not coming up around family dinner tables. But the Federal Reserve, if you follow this black line here, the net change in what they were buying in terms of Federal Treasurys, it's pretty close to zero here. This black line representing the Federal Reserve is zero in 2001, 2002, and 2003. The foreign nations begin to buy more here, American consumers begin to buy a little more here, they sold more here, the foreigners bought more there. But here's that black line, the baseline, the Federal Reserve going right on out.

Look at what happens in 2009, 2010, and 2011. That black line spikes. As we go into 2011, I want you to see, Mr. Speaker, that black line crosses the green and the red line. Why are these lines getting so tall? Because America is selling so much debt. You've got to remember that. When President Bush was in the White House when debts were considered then massive at that time, we were under $400 billion a year. We were trying to sell $400 billion a year in government-backed securities on the world market.

Beginning late in 2008 and going into 2009 and into 2010 and into 2011, we began to sell over a trillion dollars a year. The number of debt instruments that we had to sell in the world marketplace tripled, if not quadrupled. So you see that spike, and everyone has to buy more of our debt. Individuals are buying more in the green line, foreign nations and foreign investors are buying more with the blue line, and the Federal Reserve begins to buy more, as you see, in the black line.

Starting in late 2010 and going into 2011, you see the black line come out on top, that the net change in the ownership of Treasurys has shifted away from all private and governmental investors combined around the globe, and now the biggest shift in each month is our Federal Reserve buying our own debt, us taking the money out of one pocket, putting it in the other, taking the debt instrument out of your pocket, putting it back in the other.

What's the impact of that, Mr. Speaker, on the long-term American economy when we can't find enough dollars on the planet, we can't find enough buyers on the planet to invest in American debt? So we the American Federal Reserve have to buy that American debt—again, just a click of the mouse—because no one else is.

What if the Federal Reserve closed the doors tomorrow, Mr. Speaker? Could we even sell it? I understand the Federal Reserve competing in that marketplace. It helps to keep interest rates low, right? When demand is high for debt, interest rates are lower. The Federal Reserve would have stopped that demand. What's the real cost of borrowing in this country? We don't know.

We have four times higher debt today than we did in the late 1990s, by 1997. Four times more debt today than we did in 1997, and yet we pay less in interest on the national debt as a percent of GDP today than we did then. Why? Because of record low interest rates. Why do we have record low interest rates? Because we are exerting every fiber of energy that the Federal Reserve can muster to keep those interest rates low. I'll show you a chart of those interest rates later. But they are the largest purchaser of our debt.

There is some good news in that, and I want to shift just a moment from the Federal Reserve to the Treasury Department. Again, the Federal Reserve, Mr. Speaker, is an independent doing its own thing. The Treasury Department is completely funded by this Congress, completely involved in oversight under this Congress and direction by the administration.

We are experiencing record low interest rates today.

□ 2000

There is so much uncertainty in our future and, again, I'm trying to highlight how some of that has been created by the Federal Reserve just so that America begins to have that conversation. The good news is the folks over at Treasury, the public folks over at Treasury, the Bureau of Public Debt and Treasury have begun to extend the maturity, average maturity rate, of our debt.

Now, what does that mean? Well, you remember reading about all the folks in the mortgage market who got caught by those teaser rate loans. The rates were low on year one, but they went up in year two and folks couldn't afford the payments on year two and the interest rate jumped—teaser rates.

Well, right now we're financing America's debt at teaser rates. We're borrowing at the lowest rates in history. When we go out and we start selling debt instruments, we're not selling everything as a 30-year bond, where nobody is going to come looking for the principal for another 30 years. We sell that in 28-day instruments, 1 month, 3 months, 6 months. Short-term instruments finance the plurality of our debt.

Now, what does that mean? That means we have tremendous interest rate risk. Whatever the debts are in our families at home, Mr. Speaker, if we have those amortized over a long period of time, then we know exactly what our payments are going to be. If we're involved in short-term teaser rates, then we could have the rug pulled out from under us tomorrow.

To the Treasury's credit, go back to 1980 here, average maturity of debt, when interest rates have gotten lower, Treasury has begun to lock American debt in for longer and longer maturities. Back in October of 2008, when we were just dumping debt on the marketplace as fast as we could because we were spending at the highest deficit levels in American history—again, four times the previous levels, as George Bush was leaving office—we had to sell it to anybody who was willing to buy it.

The maturity rate, just the average maturity rate just collapsed, collapsed. We've been battling back from that time, 48 months in October of 2008. Again, that's average, 2008. What were we talking about then, Mr. Speaker? About $13.5 trillion in public debt that, on average, was due in 4 years or less.

There is a thing about that, because there's no surplus here. We're still borrowing more, but every 4 years the entire amount of debt comes due, that's the average. The entire debt turns over every 4 years. We're not only borrowing a trillion more each year; we've got to pay back the $13 trillion we already borrowed that we're then refinancing by selling additional debt.

To the Treasury's credit, we're extending that timeline one month at a time, one day at a time. Here in May of 2012, we've already pushed out the average maturity date 32 percent. It's up to 64 months there over the summer to try to lock in these low interest rates to give America some interest rate protection, to reduce our interest rate exposure.

You can't throw money around the way this Nation is throwing money around and think inflation isn't going to get you. It's not a question for economists, Is inflation coming? The question is when is it coming and how bad is it going to be. It's coming.

The laws of economics are sound. It's coming. When is it coming? How bad's

it going to be? Our Federal Reserve tries to manage that for us with our Treasury Department locking in those longer-term rates now.

Let me just say that we've begun that discussion in Congress. I think we need to begin that discussion, Mr. Speaker, in living rooms around the country. It's not just a congressional discussion, of course. It's a discussion that the American people need to have.

Who are we as a Nation? What are we mortgaging away in our tomorrow to try to help our today? Is what we're doing making today easier? Perhaps it is. But giving the risk of what it does to tomorrow, is it worth that risk? We're not having that conversation. We're leaving those decisions to the independent Federal Reserve. We're leaving those decisions to the Federal Market Committee.

That was a different choice that we made when the balance sheet of the Federal Reserve was $800 billion, still a big number, but $800 billion. Now it's four times larger. We're working on that here in Congress, Mr. Speaker. It began with the Federal Reserve Transparency Act; and that's a bill, a bipartisan bill, 274 cosponsors in the House. When we finally brought it to the House floor, it passed 327–98.

That's big. You talk about all the things we don't agree on here in Congress, you talk about party-line votes that divide us right down the middle—3–1 Congress voted to pass the Federal Reserve Transparency Act.

Now, does that say the Federal Reserve is doing a bad job? No, that's not what this bill says. What this bill says is the Federal Reserve is doing a lot. It's doing a lot that we never anticipated when we created the Federal Reserve.

There comes a time the American people need to be involved in that process and we, as their Representatives, need to be involved in that process. This is Dr. RON PAUL from Texas who has been pushing this idea for years and years and years. In this Congress, as he prepares to retire at the end of this year, the House finally had a vote and passed it by a large margin.

There is another bill in the House that has 48 cosponsors right now. It has not moved out of committee, and it's called the Sound Dollar Act. It's H.R. 4180. Again, it's looking at some of these questions going back to be that Wall Street Journal article I showed in the beginning, 6 percent devaluation of our currency in the last 3 months. As the Federal Reserve began to act on QE2, an 18 percent devaluation in our currency.

Golly, you work hard all your life, you think, God the stock market is too risky for me. I have seen it collapse, more than once: tech bubble collapse; builders, real estate collapse; September 11, 2001 collapse. Too risky, I just can't do it. I'm going to take my dollar, and I'm going to put it in a federally insured banking institution so that I know when I go to take that dollar out, it's going to be there.

Well, that's true. But is it still going to be worth a dollar when you take it out? The answer turns out to be no.

If this government wants your money, we can come and we can tax you, Mr. Speaker. We can take 20 percent of everything you own, brand-new tax, 20 percent of all the wealth anyone has in America. Yes, $10, we're going to take $2 of it.

That's not going to pass this body, and it shouldn't. It's crazy. Through monetary policy, we can achieve that very same effect and nary a voter said a word.

I'm not telling you it's bad for America. I'm not telling you the folks of the Federal Reserve are out to get America. I'm not saying that at all. These are conscientious men and women who love this country and who are trying to make sure, in line with their Federal mandates, that they are keeping an eye on inflation, that they are keeping an eye on interest rates, that they are keeping an eye on full employment. These are contradictory goals, and they have got to keep them all in the same basket and try to succeed on all fronts.

But the beneficiary, if they succeed, is the American taxpayer. The one who bears the burden if they fail is the American taxpayer. The one that's not involved in the discussion right now about whether it's the right thing to do or the wrong thing to do is the American taxpayer.

I believe this November, Mr. Speaker, we are going to have the largest voter turnout in American history, and I'm thrilled about it because I still believe in America. I still believe in Americans.

When more Americans turn out to have their voice heard, we're going to end up with the right answer. I don't have any idea what the American people are going to decide because at the polls they're still trying to make up their mind in some cases.

But when more of us are involved, we're going to end up with a better decision for America at the end of the day. We need to get those voices involved in Federal Reserve policy.

This chart, Mr. Speaker, is one of my favorites. It goes back to 1962. We go deep, deep, deep into history. I say deep, deep, deep because I'm in my forties; this is before I was born. So I call that deep, deep, deep into history. If you were born before 1962, it might not seem like that far to you, but it's 50 years, Mr. Speaker, of American interest rate policy.

We see here the end of the Carter years and the beginning of the Reagan years before the Reagan tax cuts had a chance to take effect and get the economy back on track. We're talking about sky-high interest rates, but over 50 years of American history, 50 years of American history through Vietnam, through the oil embargoes, through Carter, Reagan, Bush, and Clinton. You look way out to the end of this chart, Mr. Speaker, 2012. You see a collapse in the average 10-year interest rate to the lowest levels that most of us have ever seen in our lifetimes.

□ 2010

These are the interest rates that America ordinarily pays. But we're manipulating the system to pay the lowest interest rates in history. At the same time, we're borrowing the most money in history. The laws of economics tell you that's not what goes on with supply and demand. If there's more demand for debt and less supply and folks to buy, interest rates are supposed to go up. We have more demand than ever before. We have less supply of buyers than ever before in the world marketplace. And yet interest rates are at their lowest level in history.

There's going to come a time, Mr. Speaker, that we're going to have to pay the piper. This is normalcy. This is historical normalcy. What we're experiencing today is temporary, and, by definition, has to be. The same thing is true on 30-year interest rates. In fact, it's even more dramatic. This goes back to 1977, Mr. Speaker, out to 30-year interest rates today. The 30-year U.S. Government interest rate down around 3 percent, Mr. Speaker. Who is it, Mr. Speaker, who wants to trade away $1 today with the agreement that they'll get $1.03 back next year. And that same deal over the next 30 years. Who thinks that dollar is only going to devalue 3 cents a year going out over time?

As I close, I want to make it clear there's a lot of shin-kicking that goes on in this town. I'm not trying to kick the shins of the Federal Reserve. I've got a lot of constituents who think I should. I've got a couple of constituents who think I shouldn't. But what I don't have enough of are voices across the Nation demanding that we take a look at it.

I recommend this article to you. September 11, 2012, again, written by Senator Phil Gramm. That's Phil Gramm of the Gramm-Rudman-Hollings Act. Do you remember that? That was our last serious effort at deficit reduction. This is a gentleman who has been concerned about free markets and American job creation and American debt for a generation. He served here in the House, served in the United States Senate. He crafted, again, some of the biggest budget bills, most progressive, most opportune when it came to seizing the moments to try to change the fiscal direction of the country for the better. He's writing on September 11 about our fiscal future and what's happening at the Federal Reserve.

I'll close with the same way that he closed. He said:

> Some day, hopefully next year, the American economy will come back to life. Banks will begin to lend, the money supply will expand, and the velocity of money will rise. Unless the Fed responds by reducing its balance sheet, inflationary pressure will build rapidly. At that point, the cost of our current monetary policy will be all too clear.
>
> Like Mr. Obama's stimulus policy, Mr. Bernanke's monetary policy expansion will

ultimately have to be paid for. The Fed softened the recession by its decisive actions during the panic of 2008. But the marginal benefits of its subsequent policy have almost certainly been small. We may find the policies that had little positive impact on the recovery today will have high costs, indeed, when they must be reversed in a full-blown expansion.

There's not a man or woman in this country, Mr. Speaker, who's registered to vote who's not thinking about their tax bill, who's not thinking about the economy, who's not thinking about job creation, and who's not going to go to the polls and vote accordingly. Mr. Speaker, I encourage you to encourage your constituents, as I'm going to encourage mine, don't just think about tax policy. Think about monetary policy. What we're doing here in Washington to cut budgets, that's what we'll call fiscal policy. What the Federal Reserve is doing with its balance sheet and with interest rate, that's going to be monetary policy. And it makes a difference. The decisions we make today have to be paid for tomorrow. Perhaps it's the right thing to do today, but if it happens in secret, if it happens unbeknownst to the American taxpayer, the American job creator, the American jobholder, who will ultimately have to foot that bill, then it's not the right course of action for America.

Let's have this debate. Let's talk about it in the light of day. And let's make that decision, Mr. Speaker. Balance those costs and those benefits and do what we know will be best for the American family for another generation to come.

With that, Mr. Speaker, I yield back the balance of my time.

NANNY-STATE GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, it is my honor and privilege to address you here on the floor of the United States House of Representatives and take up some of the issues that I think are so important to the dialogue before us here and the American people to consider as they listen to our discussion.

A number of things weigh on me as I come to the floor tonight. And one of them is something that I think is emerging in the consciousness of the American people, Mr. Speaker, in a way that really wasn't there before this administration took office, and that is the massive growth of the nanny state here in the United States of America.

We've watched as regulation after regulation have crept in on our regular lives, and some of the things that I've spoken about with you in the past fall down along those lines. For example, the curlicue light bulb. The idea that the Federal Government could ban our 100-watt light bulbs and prohibit us from buying our patriotic Edison light bulbs and require us instead to substitute for those curlicue mercury-laden light bulbs.

Now I'll point out, Mr. Speaker, that I have a good number of those—I'll call them modern—light bulbs in my house. I put them where they make sense. And where they don't make sense, I put in the patriotic Edison bulbs. If I need quick light to walk into a room for just a minute, I want to have an Edison bulb there, not a curlicue, so it lights up right away. I can shut it off right away. It's not on much. It doesn't cost much electricity. If I'm going to have a bulb that's going to be on for quite a long time, then I want to have the energy-efficient bulb. That's a simple decision that a consumer can make—and especially a well-informed consumer. But when you end up with a one-size-fits-all that comes from the Federal Government, you end up with a lot of bad decisions so that it all fits into one formula. That's the light bulb.

Another one is shower heads. Several months ago, the Federal Government fined three companies for selling shower heads that let too much water out. Think of that. Too much water. One size fits all. The water supply in let's say Buffalo, up by Niagara, is different than the water in someplace like Tucson; different than someplace like New Orleans or Florida or Iowa. And so we have one-size-fits-all on shower heads. And here's the brilliant presumption on the part of the nanny state Federal Government: the conclusion that in all cases water is going to be more valuable than time. So people can stand under that shower head and wait for their feet to get wet because over the broad calculation of 300 million people you will save some gallons of water that are more valuable to the mind of the nanny state—certainly, more valuable in the mind of the nanny state—than the time that it takes for someone to stand there and wait to get wet.

Here's another one. The 55 mile-an-hour speed limit that was imposed a long time ago in this country under the belief that if we all drove 55 miles an hour we would save gas and that would help our energy independence and keep us less dependent upon foreign oil. So the Federal Government dialed the speed limit down to the ''double nickle,'' as we called it, and everybody in the country drove 55 for a long time, even on the interstates, with the misguided idea that gas was always worth more than time.

So one day, Mr. Speaker, I was driving down the road in Iowa at 55 miles an hour and I came through this intersection on a county road and I could look in my mirror and see a mile in my mirror, not a car in sight. A lot of cornfields. Looked right, looked left. I could see a mile in either direction. I could see a mile ahead of me. I could cover 4 miles of road by looking out three windows and into a mirror.

And there I am driving down the road looking at cornfields, which I love to look at, at 55 miles an hour. I thought, Why am I doing this? Well, it must be the nanny state that has imposed this on me. And I picked up my phone and called—now there's a law against that in the nanny state—but I called my secretary in one of our offices and said, I want to know how many passenger miles are traveled on the rural roads in Iowa each year. Can you get me that number? She came back to me a little later and said, I can't give you the passenger miles but I can give you the vehicle miles on rural roads.

So I did one of those little calculations on my calculator that works out like this: if we all drove 65 miles an hour instead of 55 miles an hour, that's 10 miles an hour faster. You calculate how much sooner you arrive at your destination by driving 10 miles an hour faster.

□ 2020

Then you calculate that each one of us on the day we were born was granted the actuarial number—at that time I figured it at 76 years—when you figure those hours that you have in your lifetime at 76 years and then you figure out how many hours you spend unnecessarily looking out the windshield at 55 miles an hour, and you calculate the lifespan, and you divide it into the time saved and the miles that are traveled on rural roads in Iowa each year. And it came down to this: that if we drive 65 instead of 55, we will have saved 79.64 lifetimes of living, in other words, getting to our destination, doing something productive. That has value too.

That calculation wasn't made by the nanny state. The nanny state only calculated gas is always worth more than time.

Not so in Germany where people get out on the Autobahn and drive as fast in some locations as they have the nerve to drive under the idea that you get them out on the highway, you get them off the highway, you get them out of the way where they're not going to be congesting traffic, and you get people engaged in doing their regular living in life.

That's the speed limit, the shower nozzles, the curlicue light bulbs, all examples of the nanny state.

But, Mr. Speaker, the examples of the nanny state have surpassed the imagination of almost every one of us that has common sense.

When I look at what has come out of the U.S. Department of Agriculture, for example, the rule that cooperated with the Department of Labor, worked in conjunction with the Department of Labor, and I asked this question under oath of one of the Under Secretaries of the Department of Labor before the Small Business Committee, did the U.S. Department of Agriculture work in cooperation with the Department of Labor to produce these rules that would regulate farm youth labor? The answer was, yes, they worked in cooperation with the Department of Agriculture.

Ag is supposed to know about what goes on in farm families. So Ag worked with Labor and produced rules that said to parents you can no longer control your own children or manage your own children or entrust them to go to work for the neighbors even if those neighbors are aunts or uncles or grandparents of these children.

So they wrote the rule that would prohibit farm youth, other than those that are working right there on a family farm for their parents, outside of that zone, farm youth were prohibited under the rule from being more than 6 feet off the ground so they could go out and climb a tree, but they couldn't go out there and get up on a scaffold and paint the undereaves of the machine shed, for example.

They were prohibited from being engaged in any kind of herding of livestock in a confinement. So they couldn't walk into a hog building, for example, and have any engagement there. They couldn't herd livestock even outdoors from horseback or from any motorized vehicle.

So you'd say to kids, you can't ride horses out here if it has anything to do with what's work. You might be able to do it recreationally, but not with work.

I remember a rule coming at me from a convenience store several years ago, and all they wanted to do was just sell sandwiches and pizza and gas and do those things that come out of a regular convenience store.

The Department of Labor went into the community and interviewed the high school students that were working there, learning a good work ethic, by the way, how to count change, how to hold up their end of the workload.

They interviewed them and they asked them questions. For example, Have you ever worked after 7 o'clock on a school night? One or two of them said, yes, once or twice, and there were two violations of working after 7 o'clock on a school night.

Then it was, Have you ever operated the pizza dough maker? Well, no. None of them had operated the pizza dough maker, but once or twice, one or two of them said, yes, I washed the pizza dough maker, but I didn't operate it.

These kinds of silly things came out of the Department of Labor, and they levied a significant fine against this good family convenience store operation because they alleged that these youth had violated the rule on working past 7 o'clock on a school night and that they had not operated the pizza dough maker, but they had washed it. That little egg beater inside there that turns, they had washed that. That was too much of a risk for a 15-year-old to have their hands on something like that, surely.

So they concluded that the rule reads: operator otherwise use. So washing the pizza dough maker turned into ''otherwise use,'' and levy a fine against this family operation.

Why would anybody stay in business if they had the nanny state gestapo hunting down their employees, interviewing them in their home, these kids that don't have any idea why the Federal Government's sticking their nose into something like this, a completely safe and harmless operation regulated by the Department of Labor when we've got all kinds of laws that can't be enforced and aren't enforced. We've got people doing that.

Or here's another thing that is idiocy on the part of our child labor laws and that is that a 17-year-old young man cannot get on the lawnmower and cut the grass around the gas station if he's working for somebody else. Violates the rule. But he can get in a car that runs 120 miles an hour and turn the radio up and put his girlfriend over there next to him and drive down the road with one hand, talking and laughing. I didn't say he was driving 120, I might point out, for those people who are willfully ignorant, Mr. Speaker, a car that has the capability of going that fast. We'd hand that vehicle over to somebody that's that age, but they can't run the lawnmower. This is going on just constantly.

But the USDA farm labor piece of this thing has gone way too far. And I know they just withdrew the rule, not because they changed their mind, but because there's a political liability involved. I want to keep turning up that political liability so they don't get any more crazy ideas out of that place.

But to pass a rule that farm youth can't be over 6 feet off the ground, that they can't herd livestock in confinement, that they can't herd livestock from horseback or from the seat of any motorized four-wheeler quad, that we would call it, that's all banned specifically by this rule. Right down to the point where HSUS must have been in the room writing these rules, because they also wrote rules that the youth cannot be around anything to do with livestock that inflicts pain upon the livestock.

Now, there are a number of things that happen that are painful to a newborn baby, I might add, Mr. Speaker, as well as to animals, that's for their best interest and best good, most of it.

But if a 15-year-old girl can go get her ears pierced without having any permission from her parents and presumably that inflicts pain upon those earlobes, I'm told it does, but that same girl who can opt into her own earpiercing cannot watch while a calf is being ear-tagged because the nanny state has decided that somehow that would damage her psyche to be around that operation.

This is nanny state run amok. It's a reach of the Federal Government into all of these aspects of our lives that's just so completely intolerable for a free people, and we need to push back, Mr. Speaker; and so we are pushing back on some of this.

But the one that stands out, I think, the most, it emanates from the First Lady, Michelle Obama. In the lame duck session in 2010, the discredited Congress here and, I'll say, down the hallway in the Senate, passed a bill out of there. It's called the Healthy, Hunger-Free Kids Act, Mr. Speaker.

The Healthy, Hunger-Free Kids Act was written and passed to satisfy the wishes of the First Lady who had the Let's Move Initiative to get our youth in shape. Now, that on its face is okay, and it's probably pretty good that we inspire our youth to get some exercise. After all, that is a big part of the problem with overweight youth.

It's been well publicized that 30 percent of our youth are overweight. Now, I haven't gone back to question that number. It seems to be a number that's accepted. But if it could be a higher number, I think we'd probably hear that out of the White House.

Thirty percent of our youth are overweight, and there's your consensus number, true or not.

Clear back when Bob Gates was the Secretary of Defense under Barack Obama, Mr. Speaker, he made the statement that since 30 percent of our youth are overweight, it is a national security issue because we can't recruit enough troops to go through basic training and be able to keep them trained up into shape, to keep our Nation ready for whatever might threaten us because youth obesity was prohibiting our national security.

Now, that causes me to pause, Mr. Speaker, when the Secretary of Defense has all of these things to worry about, and you've got everything from missile defense to our ground troops and multiple places in the world where we have a presence and where we need a presence and threats all over the globe and the Secretary of Defense is making a political statement that 30 percent of our youth are overweight and national security is at stake, so therefore we need to do something to cut down on the weight of these kids.

So, I think how is it that we can't recruit enough people in our military, even if there are 30 percent that are overweight and the other 70 percent don't fill the ranks enough voluntarily. Wouldn't you go ahead and take somebody that's 5 or 10 or 15 or 20 or 50 pounds overweight, put them into basic training and just say you didn't make weight so you're still in basic training and we'll keep you in basic training until you do make weight?

□ 2030

That is not that complicated. How can a nation conclude that it's a national security issue, that we can't solve that problem.

You take an 18-year-old young man or woman, and if they're 30 percent overweight—and maybe that's 30 pounds overweight—it doesn't damage their skeletal system or their muscular system or their nervous system; it's just a matter of carrying too much weight around, and you shrink that down and they're good to go. If that wasn't the case, there wouldn't be so many healthy people around here that

formerly were obese. They turn themselves around, they get a good diet and exercise plan, they get slim—and a lot of them stay slim for life—and they live healthy and happy thereafter. And I'm glad to see that. That's what we should do. But we can't be a nation that throws up our hands and says America is in danger because we haven't addressed childhood obesity. That is over-hype.

I sat down with some food retailers shortly after Mrs. Obama brought her initiative to get people to lose weight in this country, and they said to me: We're going to take 1.5 trillion calories off the diets of our young people, and in doing so our goal is that they will lose weight and get back in shape. And so how are you going to do that? And their answer was: Well, there is this Power Bar that kids like, and it's 150 calories. We're going to reduce the calories in it down to 90. And then in the single-serving Dorito bags, we're going to take a couple of chips out of there, and then that way we're going to fool these kids into eating fewer calories because they must have a habit that they're going to only eat one Power Bar and they're only going to eat one single-serving bag of Doritos.

Mr. Speaker, it's pretty simple: These kids aren't overweight because there were too many calories in the Power Bar or one or two too many chips in the single-serving Dorito bag; they're overweight because they have a voracious appetite, and they don't exercise enough. You cannot fool them by giving them a 90-calorie Power Bar; they will eat two of them and consume not 150 calories but 180 calories. And you can't fool them by taking a couple of chips out of the Dorito bag. They'll just open another bag of Doritos. That's the reality of real life. And somehow we get this myopic vision out of the nanny state that there's a way to trick people into getting slimmer.

This gets so bad, Mr. Speaker, that in marking up the previous farm bill in 2007, usually they like to bring somebody in to call for more food stamps that's maybe suffering from malnutrition, or at least they've been hungry part of lives. They couldn't, apparently, find any witnesses like that any longer because the food stamps have been pushed out so hard in this country that they seem to be ubiquitously available. And so they brought in Janet Murguia, the president of La Raza—that's the organization ''The Race.'' This was in March of 2007. She testified that one of the growing problems of obesity is that even though most people know where their next meal is coming from, they don't know where all their meals are coming from. Therefore, they tend to overeat, and when they overeat they become obese. So if we would just give them an unlimited amount of food stamps, then they wouldn't be so concerned about this food insecurity. They would eat less, lose weight, and all would be well with the world.

That is a bizarre thought, Mr. Speaker. I can't embrace that way of thinking. I didn't even know how to argue against it. It caught me so far off balance that people are overweight because they don't have enough food stamps, so we'll give them more food stamps and they will lose weight. I deal with this kind of irrational irrationality here in this Congress constantly. It's no wonder that people call for a voice of common sense in this place.

So, Mr. Speaker, that's the food stamp argument, the nanny state argument. But it takes me to the school lunch program. The school lunch program is out of control. It is this Healthy, Hunger-Free Kids Act, which is the First Lady's bill, that regulates the diet of every kid going to school in America. I went into lunch at Remsen-Union here this week to sit down with them. First I gave them a program on the Constitution—they were great, and I look forward to going back there, I hope. Good, good, young people.

When I finished up, I said, Now it's lunchtime. I'm going to go eat your lunch. And they said, oh, you're not going to really, are you? Sure, I did. I sat down. And not picking on their program, it's rationed by the United States Department of Agriculture. They did not have the authority granted to them specifically in the Healthy, Hunger-Free Kids Act to ration calories to our kids, but that's exactly what they've done, Mr. Speaker. They've reached into and grabbed an authority that didn't exist and decided to opt into rationing calories to our kids in all of these schools.

So for the first time in the history of this country—we've had nutrition standards, nutrition minimums; you don't give them less nutrition, you don't give them fewer calories than this standard—and that standard has been published, and it's well known among our school lunch program. But Michelle Obama's Healthy, Hunger-Free Kids Act, as interpreted by Secretary of Agriculture Tom Vilsack, sets caps on calories that kids can get to eat.

So, for example, a high school football player, a senior high school, for example, 250-pound lineman—growing, robust, active, working out every day—is rationed to 600 calories for breakfast, 850 calories for lunch. That's 1,450 calories. Now, if you give them another dose of, say, 800 calories for supper, you'll fall far short of the calories he needs to maintain his exercise level and his weight.

For me, I need 2,841 calories a day to maintain my weight. That's the formula, and that's also something in practice that I've measured and charted on a spread sheet; 2,841. If you put me on that diet, the ration that the Department of Agriculture is giving these kids, every 8 days, if I'm constricted to that diet—and that's granting 850 calories for a third meal of the day—I would lose a pound every 8 days. I'm past my growth spurt. They exercise a lot more than I do—or at least they should. That's how misguided this is.

Same number of calories for a kindergartner as for a fifth-grader. I believe the minimum number is 550 calories. And so a 30-pound kindergartner—which would be a small one—versus a 120-pound fifth grader—which would be a large one—get the same amount of calories. Generally, a fifth-grader is twice as large as a kindergartner. They get the same amount of calories, and it's capped.

Another thing that is so bad about this, Mr. Speaker, is that the youth that come in that have the money can go ahead and buy extra food a la carte. So they'll go back, if they've got the money, and buy an extra hot dog and go back and fill themselves up. But these kids that are on free and reduced lunches don't have that money in their pocket, and they're sitting there watching their better-off friends go back for a whole second helping, or the second helpings that they like. It is stigmatizing these kids that are on free and reduced lunch. It should not be. It sets up the wrong scenario in our schools.

This Healthy, Hunger-Free Kids Act says this: The USDA has the right ''to set nutritional standards for all foods regularly sold in schools during the school day, including vending machines, the a la carte lunch lines, and school stores.''

That's what the bill says. The Department of Agriculture and Secretary Vilsack have decided they're going to cap the calories. It doesn't give the specific authority; they just decided they're going to cap the calories so that—now, here's the formula: 30 percent of kids are overweight by their estimate, so 100 percent of them go on a diet. That's the mentality of the nanny state, Mr. Speaker.

And where does this food come from? Agriculture, of course. We have been working to push a farm bill through this Congress for a long time. About a year ago last May, I and my staff and a number of others began putting together a bill. As we went out into the Ag community and asked them for their input on what they'd like to see and what changes in the bill, one thing that came back that stood out above all others is we need a good risk management program. That means crop insurance is the centerpiece of it. I set about to hold that together, and we did the research and laid the foundation. And so far we've held that crop insurance, I think, together pretty well, Mr. Speaker. But that's the crop insurance piece.

Many other pieces—the nutrition side of this. We've gone from 19 million people on food stamps to up now to 47 million people on food stamps. That, Mr. Speaker, is a number that creates expanded dependency in the country. The intention of the President and his party. An expanded dependency class votes more for them.

□ 2040

An independency class votes more for us guys. So they have pushed food stamps out into people. They've spent millions of dollars advertising food stamps so more people sign up on the SNAP program; and in doing so, they expand the dependency people, those that rely on government. That's been part of the mistake. We set about reforming that.

We have a tattoo parlor with a neon light that says we take EBT cards. So, food stamp money goes for tattoos.

We also have a fellow that bailed himself out of jail with his EBT card. They're being sold for cash and discounted.

That's some of the things that are going on. We need to tighten that up, and the House Ag Committee tightened it up. We tightened it up to reduce those dollars going in so that the people that should not be receiving the food stamps are less likely to get them, and that saved about $16 billion out of the duration of this program, Mr. Speaker. That's one of the reforms in the farm bill.

Holding the risk management program together for agriculture and reducing the waste and the fraud and the corruption in food stamps was an important thing. That's what the House Ag Committee bill is about, Mr. Speaker, and I want to see it come to the floor, the committee product come to the floor. I'd like to see it come to the floor just under a closed rule. Let's vote it up or down and let's see where it goes. If it fails, it fails. Then we can go back to the drawing board. If we fail to try, that will be labeled a failure.

I came to this city this week to make that point over and over again, Mr. Speaker. We need to move a farm bill out of this House of Representatives. And I recognize that procedurally, at this point, as I stand here tonight, that is an impossibility under the rules of this House. So the best that we can hope for is to bring a farm bill to the floor as soon as we come back after the election.

I've asked the Speaker to do this. I've asked the majority to do this. I'm working closely in direct cooperation with the chairman of the Ag Committee, FRANK LUCAS of Oklahoma, who has done a stellar job on bringing a good bill out of committee and preparing it for floor action. He was an utter maestro in putting that bill together, and the work that was done by the chairman and many others, including Ranking Member PETERSON, Democrats and Republicans, resulted in a bill coming out of the Ag Committee that only had 11 ''no'' votes, and it was a bipartisan support for the bill. The opposition was also bipartisan, but it was only 11. So whatever the bar was, however high it was, we've cleared the bar.

We need to bring a bill to the floor. We need to provide that kind of stability and predictability to the ag community so that they can plan next year's crops and plan their lives.

What comes out of this House and out of this Congress and is signed by the President affects land prices, equipment purchases, land sales, farm rentals, the whole configuration, a lot of it is looking down on this farm bill.

So let's get it done. I'm looking for that full 100 percent commitment to bring the bill up to the floor when we come back. We've gotten a strong statement out of the Speaker that that's what will happen. I'm looking for reinforcement on that statement before we gavel out tomorrow, Mr. Speaker.

But it's essentially important to us that we know which direction we're going on agriculture. It isn't so critical, the policy standpoint, between now and December 31, but knowing, for planning purposes, is valuable. And if we get to, say, December 31 without a farm bill, then we do have a problem on our hands.

In the meantime, it's my strongest urging that we hear that kind of commitment from the Speaker and the other leadership, that we'll take this bill up and take it to the floor. It's a strong message now. I'd like to see it become a full commitment before we leave this House tomorrow afternoon to go back for our elections.

So, Mr. Speaker, I have vented myself to some degree. I think I've helped inform this body about the nanny state that threatens to subsume this God-given American liberty and issued my urging that we move a farm bill and that we get a commitment to do so when we come back in November.

I appreciate your attention and the work that we've done here together as Democrats and Republicans and how we've reflected the voice of the American people. After the election, I hope we get the kind of help in the Senate that we received in the House in 2010.

With that, Mr. Speaker, I yield back the balance of my time.

HOUSE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the following titles:

June 29, 2012:

H.R. 6064. An Act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

July 6, 2012:

H.R. 4348: An Act to authorize funds for Federal highways, highway safety programs, and transit programs, and for other purposes.

July 9, 2012:

H.R. 33. An Act to amend the Securities Act of 1933 to specify when certain securities issues in connection with church plans are treated as exempted securities for purposes of that Act.

H.R. 2297. An Act to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes.

July 18, 2012:

H.R. 3902. An Act to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia.

July 23, 2012:

H.R. 4155. An Act to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

July 26, 2012:

H.R. 3001. An Act to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

July 30, 2012:

H.R. 205. An Act to amend the Act titled 'An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases', approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior, and for other purposes.

August 3, 2012:

H.R. 2527. An Act to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

August 6, 2012:

H.R. 1627. An Act to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes.

August 7, 2012:

H.R. 5872. An Act to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

August 10, 2012:

H.R. 1369. An Act to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the ''Warren Lindley Post Office''.

H.R. 1560. An Act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Yslets. del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

H.R. 1905. An Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes.

H.R. 3276. An Act to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the ''Reverend Abe Brown Post Office Building''.

H.R. 3412. An Act to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the ''Sergeant Richard Franklin Abshire Post Office Building''.

H.R. 3501. An Act to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hart Post Office''.

H.R. 3772. An Act to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the ''First Sergeant Landres Cheeks Post Office Building''.

H.R. 5986. An Act to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United

States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

August 16, 2012:

H.R. 1402. An Act to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicle; in parking areas under the jurisdiction of the House of Representatives at no net cost to the Federal Government.

H.R. 3670. An Act to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

H.R. 4240. An. Act to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

September 20, 2012:

H.R. 6336. An Act to direct the Joint Committee on the Library to accept a statue depicting Frederick Douglass from the District of Columbia and to provide for the permanent display of the statue in Emancipation Hall of the United States Capitol.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following date, he had approved and signed bills of the Senate of the following titles:

June 27, 2012:

S. 404. An Act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An Act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An Act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

July 9, 2012:

S. 3187. An Act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish userfee programs for generic drugs and biosimilars, and for other purposes.

July 18, 2012:

S. 2061. An Act to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

July 26, 2012:

S. 2009. An Act to improve the administration of programs in the insular areas, and for other purposes.

July 27, 2012:

S. 2165. An Act to enhance strategic cooperation between the United States and Israel, and for other purposes.

August 3, 2012:

S. 1335. An Act to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

August 10, 2012:

S. 270. An Act to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

S. 271. An Act to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes.

S. 679. An Act to reduce the number of executive positions subject to Senate confirmation.

S. 739. An Act to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government.

S. 1959. An Act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

S. 3363. An Act to provide for the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges, and for other purposes.

August 16, 2012:

S. 3510. An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom Internet publication of certain information applies, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles.

S. 3245. An act to extend by 3 years the authorization of the EB–5 Regional Center Program, the E-Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J–1 Visa Waiver Program.

S. 3552. An act to reauthorize the Federal Insecticide, Fungicide, and Rodenticide Act.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Friday, September 21, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7904. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — End-User Exception to the Clearing Requirement for Swaps (RIN: 3038-AD10) received August 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7905. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Swap Transaction Compliance and Implementation Schedule: Clearing Requirement Under Section 2(h) of the CEA (RIN: 3038-AD60) received August 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7906. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-11-0093; FV12-932-1 FR] received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7907. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Mideast Marketing Area; Order Amending the Order [Doc. No.: AO-11-0333; AMS-DA-11-0067; DA-11-04] received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7908. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Specialty Crops; Import Regulations; New Pistachio Import Requirements [Doc. No.: AMS-FV-09-0064; FV09-999-1 FR] received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7909. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports [Doc. #: AMS-CN-11-0091] received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7910. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program (NOP); Sunset Review (2012); Correction [Doc. No.: AMS-NOP-09-0074; NOP-09-01FR] (RIN: 0581-AC96) received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7911. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program; Amendments to the National List of Allowed and Prohibited Substances (Crops, Livestock and Processing) [Document Number: AMS-NOP-11-0058; NOP-11-09FR] (RIN: 0581-AD15) received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7912. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Increased Assessment Rate [Doc. No.: AMS-FV-11-0080; FV11-966-1 FR] received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7913. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Livestock Mandatory Reporting Program; Establishment of the Reporting Regulation for Wholesale Pork [Doc. No.: AMS-LS-11-0049] (RIN: 0581-AD07) received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7914. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dinotefuran; Pesticide Tolerances [EPA-HQ-OPP-2011-0433; FRL-9359-6] received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7915. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Polyoxin D zinc salt; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-1028; FRL-9360-6] (RIN: 2070) received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7916. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyprodinil; Pesticide Tolerances [EPA-HQ-OPP-2011-0394; FRL-9359-7] received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7917. A letter from the Acting Director, Office of Management and Budget, transmitting the OMB's Sequestration Update Report to the President and Congress for Fiscal Year 2013; to the Committee on Appropriations.

7918. A letter from the Under Secretary, Department of Defense, transmitting Report on the Assessment of Industrial Base for Night Vision Image Intensification Sensors, pursuant to Public Law 112-81, section 854(b) (125 STAT. 1521); to the Committee on Armed Services.

7919. A letter from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting a report pursuant to Section 1014 of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Financial Services.

7920. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National

Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c),and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Financial Services.

7921. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corportations's final rule — Risk-Based Capital Guidelines: Market Risk (RIN: 3064-AD70) received September 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7922. A letter from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Audit Requirements for Third Party Conformity Assessment Bodies [CPSC Docket No.: CPSC-2009-0061] received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7923. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — D&C Red No. 6 and D&C Red No. 7; Change in Specification; Confirmation of Effective Date [Docket No.: FDA-2011-C-0050] received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7924. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — World Trade Center Health Program; Addition of Certain Types of Cancer to the List of WTC-Related Health Conditions [Docket No.: CDC-2012-0007; NIOSH-257] (RIN: 0920-AA49) received September 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7925. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Health Information Technology: Standards, Implementation Specifications, and Certification Criteria for Electronic Health Record Technology, 2014 Edition; Revisions to the Permanent Certification Program for Health Information Technology (RIN: 0991-AB82) received August 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7926. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Hot Mix Asphalt Plants [EPA-R01-OAR-2012-0620; A-1-FRL-9719-1] received August 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7927. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Regional Haze [EPA-R01-OAR-2008-0599; A-1-FRL-9716-7] received August 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7928. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee; Knoxville; Fine Particulate Matter 2002 Base Year Emissions Inventory [EPA-R04-OAR-2010-0153(a); FRL-9717-5] received August 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7929. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut, Massachusetts, and Rhode Island; Reasonable Further Progress Plans and 2002 Base Year Emission Inventories [EPA-R01-OAR-2008-0117; EPA-R01-OAR-2008-0107; EPA-R01-OAR-2008-0445; FRL-9672-5] received August 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7930. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Nevada; Regional Haze State and Federal Implementation Plans; BART Determination for Reid Gardner Generating Station [EPA-R09-OAR-2011-0130; FRL 9700-4] received August 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7931. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Oregon; Regional Haze State Implementation Plan [EPA-R10-OAR-2012-0344; FRL-9718-9] received August 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7932. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0571; FRL-9691-1] received August 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7933. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; PSD and NSR Regulations [EPA-R05-OAR-2011-0826; FRL-9725-6] received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7934. A letter from the Director, Regulatory Management Divison, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule — 2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards [EPA-HQ-OAR-2010-0799; FRL-9706-5; NHTSA-2010-0131] (RIN: 2060-AQ54; RIN 2127-AK79) received September 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7935. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendments to West Virginia's Ambient Air Quality Standards [EPA-R03-OAR-2011-0958; FRL-9725-4] received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7936. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California; Determinations of Attainment for the 1997 8-Hour Ozone Standard [EPA-R09-OAR-2011-0492; FRL-9726-6] received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7937. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating [EPA-R07-OAR-2012-0466; FRL-9726-2] received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7938. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Virginia; Revisions to the State Implementation Plan Approved by EPA Through Letter Notice Actions [EPA-R03-OAR-2012-0280; FRL-9724-8] received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7939. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry [EPA-HQ-OAR-2007-0544; FRL-9684-7] (RIN: 2060-AQ41) received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7940. A letter from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of: Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services [WC Docket No.: 05-25] (RM-10593) received September 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7941. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Interim Staff Guidance; Japan Lessons Learned Project Directorate (JLD) Compliance with Order EA-2012-051, Reliable Spent Fuel Pool Instrumentation JLD-ISG-12-03 received September 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7942. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-53, pursuant to the reporting requirements of Section 3(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7943. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-119, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7944. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-100, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7945. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-114, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7946. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-105, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7947. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-079, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7948. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-090, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7949. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-129, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7950. A letter from the Director, International Broadcasting Bureau, Broadcasting Board of Governors, transmitting Fiscal Year 2012 Federal Activities Inventory Reform Act submission; to the Committee on Oversight and Government Reform.

7951. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7952. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting the Department's report on the detailed boundary of the Wild and Scenic Rivers Au Sable, Bear Creek, Manistee, and Pine in Michigan, pursuant to 16 U.S.C. 1274; to the Committee on Natural Resources.

7953. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting the Department's report on the exterior boundary of White Solomon Wild and Scenic River, pursuant to 16 U.S.C. 1274; to the Committee on Natural Resources.

7954. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting the Department's report on the exterior boundary of the McKenzie Wild and Scenic River, pursuant to 16 U.S.C. 1274; to the Committee on Natural Resources.

7955. A letter from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — 2012-2013 Refuge-Specific Hunting and Sport Fishing Regulations [Docket No.: FWS-R9-NWRS-2012-0022] (RIN: 1018-AY37) received September 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7956. A letter from the Federal Register Liaison Officer, Department of Commerce, transmitting the Department's final rule — CPI Adjustment of Patent Fees for Fiscal Year 2013 [PTO-C-2011-0007] (RIN: 0651-AC55) received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7957. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — L & S Industrial & Marine, Inc. v. United States received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7958. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Pension Funding Stabilization under the Moving Ahead for Progress in the 21st Century Act (MAP-21) [Notice 2012-61] received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7959. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2012-56] received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7960. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Per Capita Payments from Proceeds of Settlements of Indian Tribal Trust Cases [Notice 2012-60] received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7961. A letter from the Chairman, Railroad Retirement Board, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year ending September 30, 2011; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

7962. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2014, in accordance with Section 7(f) of the Railroad Retirement Act; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 4965. A bill to preserve existing rights and responsibilities with respect to waters of the United States, and for other purposes; with an amendment (Rept. 112–681). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 5961. A bill to provide reasonable limits, control, and oversight over the Environmental Protection Agency's use of aerial surveillance of America's farmers; with an amendment (Rept. 112–682). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 4278. A bill to amend the Federal Water Pollution Control Act with respect to permit requirements for dredged or fill material (Rept. 112–683). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2541. A bill to amend the Federal Water Pollution Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements; with an amendment (Rept. 112–684). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 3563. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes; with an amendment (Rept. 112–685, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3563 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OLSON (for himself, Mrs. BLACKBURN, Mr. GENE GREEN of Texas, and Mr. MATHESON):

H.R. 6444. A bill to amend the Clean Air Act to require the Administrator of the Environmental Protection Agency to establish a system for the certification of the validity of credits to be used for compliance with the renewable fuel program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. LOEBSACK, Mr. MARINO, Mr. WEST, and Mr. JONES):

H.R. 6445. A bill to amend title II of the Social Security Act to provide that the waiting period for disability insurance benefits shall not be applicable in the case of a recovering service member; to the Committee on Ways and Means.

By Mr. ROSKAM (for himself and Mr. LANCE):

H.R. 6446. A bill to create incentive for innovative diagnostics by improving the process for determining Medicare payment rates for new tests; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself and Mr. HINOJOSA):

H.R. 6447. A bill to improve quality and accountability for educator preparation programs; to the Committee on Education and the Workforce.

By Mr. PRICE of North Carolina (for himself, Mr. VAN HOLLEN, Mr. JONES, Mr. LARSON of Connecticut, Mr. BRADY of Pennsylvania, Ms. ESHOO, and Mr. SARBANES):

H.R. 6448. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, to establish a system of public financing for Congressional elections, to promote the disclosure of disbursements made in coordination with campaigns for election for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. BARTLETT, Mr. BURTON of Indiana, Mr. WALSH of Illinois, Mr. ROSS of Florida, Mr. POSEY, Mr. DUNCAN of South Carolina, and Mr. PEARCE):

H.R. 6449. A bill to establish an air travelers' bill of rights, to implement those rights, and for other purposes; to the Committee on Homeland Security.

By Mr. COSTELLO (for himself and Mr. SHIMKUS):

H.R. 6450. A bill to facilitate and expedite the review of proposed improvements to Federal flood control projects to be constructed by local sponsors, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LANDRY:

H.R. 6451. A bill to direct the Secretary of Transportation to ensure that on-duty time does not include waiting time at a natural gas or oil well site for certain commercial motor vehicle operators, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LANDRY:

H.R. 6452. A bill to provide limitations on United States assistance, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AMODEI:

H.R. 6453. A bill to facilitate planning, permitting, administration, implementation, and monitoring of pinyon-juniper dominated landscape restoration projects within Lincoln County, Nevada, and for other purposes; to the Committee on Natural Resources.

By Mrs. BIGGERT:

H.R. 6454. A bill to amend the Department of Energy High-End Computing Revitalization Act of 2004 to improve the high-end computing research and development program of the Department of Energy, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. BROWN of Florida:

H.R. 6455. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Science, Space, and Technology, the Judiciary, Ways and Means, Foreign Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCSHON (for himself, Mr. QUIGLEY, Mr. CARNEY, Mr. BOSWELL, Mr. HULTGREN, Mr. GUINTA, Mr. CARSON of Indiana, Mr. BURTON of Indiana, Mr. BONNER, Mr. PENCE, Mr. FARENTHOLD, Mr. SCHILLING, Mr. RENACCI, Mr. CRAWFORD, Mrs. SCHMIDT, Ms. HERRERA BEUTLER, Mr. LANKFORD, Mr. LOBIONDO, Mr. SOUTHERLAND, Mr. YOUNG of Indiana, and Mr. GIBBS):

H.R. 6456. A bill to amend title 49, United States Code, to permit a State to issue a commercial driver's license to a member of the Armed Forces whose duty station is located in the State; to the Committee on Transportation and Infrastructure.

By Mr. CARSON of Indiana (for himself, Ms. NORTON, Mr. GRIJALVA, and Mr. RANGEL):

H.R. 6457. A bill to provide grants to enhance the most effective freezing methods to improve access to affordable and locally produced specialty crops; to the Committee on Agriculture.

By Mr. CARSON of Indiana:

H.R. 6458. A bill to require institutions of higher education to provide students with information from the Occupational Employment Statistics program and the Occupational Outlook Handbook of the Bureau of Labor Statistics, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CASSIDY (for himself, Mr. BOUSTANY, Mr. HARPER, Mr. PALAZZO, Mr. ALEXANDER, Mr. LANDRY, Mr. RICHMOND, Mr. NUNNELEE, and Mr. SCALISE):

H.R. 6459. A bill to provide tax relief with respect to the Hurricane Isaac disaster area; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself and Mr. PETERS):

H.R. 6460. A bill to modify provisions of law relating to refugee resettlement, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FUDGE:

H.R. 6461. A bill to prevent childhood obesity; to the Committee on Energy and Commerce.

By Mr. GARDNER (for himself, Mr. MATHESON, and Mr. TIPTON):

H.R. 6462. A bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency; to the Committee on Ways and Means.

By Mr. GINGREY of Georgia:

H.R. 6463. A bill to amend title 31, United States Code, to require the President to submit with the budget an estimate of the deficit using generally accepted accounting principles; to the Committee on the Budget.

By Mr. HECK:

H.R. 6464. A bill to direct the Secretary of Veterans Affairs to accept certain documents as proof of service in determining the eligibility of an individual to receive amounts from the Filipino Veterans Equity Compensation Fund, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HUNTER (for himself, Mr. JONES, Mr. CAMPBELL, Mr. WESTMORELAND, and Mrs. MYRICK):

H.R. 6465. A bill to restrict COPS funding for States that grant driver's licenses to certain illegal immigrants; to the Committee on the Judiciary.

By Mr. KISSELL:

H.R. 6466. A bill to amend title XVIII of the Social Security Act to exempt certain hospice programs from the limitation applicable to payments for hospice care under the Medicare program, and for other purposes; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself, Mr. MILLER of North Carolina, Mr. CICILLINE, Ms. BONAMICI, and Mr. SIRES):

H.R. 6467. A bill to require a portion of closing costs to be paid by the enterprises with respect to certain refinanced mortgage loans, and for other purposes; to the Committee on Financial Services.

By Mr. MARKEY (for himself, Mr. BLUMENAUER, and Mr. PASCRELL):

H.R. 6468. A bill to amend the Internal Revenue Code of 1986 to clarify that tar sands are crude oil for purposes of the Federal excise tax on petroleum; to the Committee on Ways and Means.

By Mr. MCKEON:

H.R. 6469. A bill to direct the Secretary of the Interior, acting through the Bureau of Land Management, to conduct a study of the legal and administrative steps necessary to carry out the goals of H.R. 4332, the Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2009 of the 111th Congress; to the Committee on Natural Resources.

By Mr. MULVANEY (for himself, Mr. SCHRADER, Mrs. SCHMIDT, Mr. DUNCAN of Tennessee, Mr. DUNCAN of South Carolina, Mr. SOUTHERLAND, Mr. GUTHRIE, and Ms. CHU):

H.R. 6470. A bill to define urban rodent control for purposes of clarifying the control of nuisance mammals and birds carried out by the Wildlife services program of the Animal and Plant Health Inspection Service and by the private sector, and for other purposes; to the Committee on Agriculture.

By Mr. MURPHY of Connecticut:

H.R. 6471. A bill to amend title 10, United States Code, to provide for the employment of an additional instructor for units of the Junior Reserve Officers' Training Corps in which a large percentage of the student population is enrolled; to the Committee on Armed Services.

By Mr. NEAL (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. KIND, and Mr. ELLISON):

H.R. 6472. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the saver's credit, to make the credit refundable, and to make Federal matching contributions into the retirement savings of the taxpayer; to the Committee on Ways and Means.

By Mr. POSEY:

H.R. 6473. A bill to designate the facility of the United States Postal Service located at 500 North Brevard Avenue in Cocoa Beach, Florida, as the ''Richard K. Salick Post Office''; to the Committee on Oversight and Government Reform.

By Mr. ROSS of Florida:

H.R. 6474. A bill to adopt the seven immediate reforms recommended by the National Commission on Fiscal Responsibility and Reform to reduce spending and make the Federal government more efficient; to the Committee on Ways and Means, and in addition to the Committees on Oversight and Government Reform, House Administration, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER (for himself and Mr. YOUNG of Alaska):

H.R. 6475. A bill to authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to establish a constituent-driven program that collects priority coastal geospatial data and supports an information platform capable of efficiently integrating coastal data with decision support tools, training, and best practices to inform and improve local, State, regional, and Federal capacities to manage the coastal region; to the Committee on Natural Resources.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 6476. A bill to amend title XVIII of the Social Security Act to provide for coverage of certified adult day services under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRES:

H.R. 6477. A bill to strengthen America's financial infrastructure, by requiring prefunding for catastrophe losses using private insurance premium dollars to protect taxpayers from massive bailouts, and to provide dedicated funding from insurance premiums to improve catastrophe preparedness, loss prevention and mitigation, and to improve the availability and affordability of homeowners insurance coverage for catastrophic events, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 6478. A bill to amend the Denali Commission Act of 1998 to reauthorize and modify the membership of the Denali Commission, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BACHUS (for himself and Ms. SEWELL):

H. Con. Res. 138. Concurrent resolution recognizing Birmingham, Alabama, as the home to the first and longest running celebration of Veterans Day; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri (for himself, Mr. SCHILLING, Mr. SCHRADER, Mr. CRITZ, Mr. TIPTON, and Mr. MULVANEY):

H. Res. 793. A resolution expressing support for the designation of a ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses; to the Committee on Small Business.

By Mr. ANDREWS:

H. Res. 794. A resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the Equal Rights Amendment as part of the Constitution when the legislatures of an additional three States ratify the Equal Rights Amendment; to the Committee on the Judiciary.

By Mr. HUNTER (for himself and Mr. RUPPERSBERGER):

H. Res. 795. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H. Res. 796. A resolution supporting efforts to raise awareness of, improve education on, and encourage research on inflammatory breast cancer; to the Committee on Energy and Commerce.

By Mr. MICHAUD (for himself and Mr. HARPER):

H. Res. 797. A resolution celebrating the 50th anniversary of the enactment of Public Law 87-788, commonly known as the McIntire-Stennis Cooperative Forestry Act; to the Committee on Agriculture.

By Mr. PETERSON:

H. Res. 798. A resolution expressing support for the designation of the third week in October as National School Bus Safety Week and for the designation of Wednesday of that week as National School Bus Drivers Appreciation Day; to the Committee on Education and the Workforce.

By Mr. TURNER of Ohio (for himself, Mr. CHABOT, Mrs. SCHMIDT, Mr. JORDAN, Mr. LATTA, Mr. JOHNSON of Ohio, Mr. AUSTRIA, Mr. TIBERI, Mr. LATOURETTE, Mr. STIVERS, Mr. RENACCI, and Mr. GIBBS):

H. Res. 799. A resolution expressing the sense of the House of Representatives that it is not a violation of the Equal Protection Clause of the Fourteenth Amendment for a State to extend particular consideration to members of the uniformed services and overseas citizens to ensure that such individuals are able to exercise their rights to vote in elections for public office; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEST (for himself and Mr. SHIMKUS):

H. Res. 800. A resolution expressing support for designation of November 2012 as Stomach Cancer Awareness Month; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself and Mr. DINGELL):

H. Res. 801. A resolution recognizing America's hunters, anglers, trappers, recreational boaters, recreational shooters, industry, State fish and wildlife agencies, and the United States Fish and Wildlife Service for their leading role in restoring healthy populations of fish, wildlife, and other natural resources; to the Committee on Natural Resources.

MEMORIALS

Under clause 3 of Rule XII, memorials were presented and referred as follows:

281. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Resolution urging the President and the Congress to support the Self-Determination and Democratic Independence of Nagorno-Karabakh; to the Committee on Foreign Affairs.

282. Also, a memorial of the House of Representatives of the State of California, relative to Assembly Joint Resolution No. 22 respectfully disagreeing with the majority opinion and decision of the United States Supreme Court in Citizens United v. Federal Election Commission; to the Committee on the Judiciary.

283. Also, a memorial of the House of Representatives of the State of California, relative to Assembly Joint Resolution No. 22 respectfully disagreeing with the majority opinion and decision of the United States Supreme Court in Citizens United v. Federal Election Commission; to the Committee on the Judiciary.

284. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 24 urging the members of California's Congressional Delegation to sign on as cosponsors of the proposed Student-to-School Nurse Ratio Improvement Act of 2012; jointly to the Committees on Education and the Workforce and Energy and Commerce.

285. Also, a memorial of the House of Representatives of the State of California, relative to Assembly Joint Resolution No. 6 requesting that the Congress and the President enact the Filipino Veterans Fairness Act of 2011; to the Committee on Veterans' Affairs.

286. Also, a memorial of the House of Representatives of the State of California, relative to Assembly Joint Resolution No. 6 requesting that the Congress and the President enact the Filipino Veterans Fairness Act of 2011; to the Committee on Veterans' Affairs.

287. Also, a memorial of the House of Representatives of the State of California, relative to Assembly Joint Resolution No. 24 urging the members of California's Congressional Delegation to sign on as cosponsors of the proposed Student-to-School Nurse Ratio Improvement Act of 2012; jointly to the Committees on Education and the Workforce and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. KAPTUR introduced a bill (H.R. 6479) for the relief of Humaira Khalid Lateef, Muhammad Nadeem Aslam, Maheen Nadeem, and Daniyal Muhammad Nadeem; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. OLSON:

H.R. 6444.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3—The Congress shall have Power To . . . regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes (Commerce Clause)

By Mr. THOMPSON of Pennsylvania:

H.R. 6445.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 14 of the United States Constitution which gives Congress the power ''to make Rules for the Government and Regulation of the land and naval Forces.''

By Mr. ROSKAM:

H.R. 6446.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 states The Congress shall have Power To provide . . . for the . . . general Welfare of the United States.

By Mr. HONDA:

H.R. 6447.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. PRICE of North Carolina:

H.R. 6448.

Congress has the power to enact this legislation pursuant to the following:

Congressional power to provide for public financing of presidential campaigns arises under the General Welfare Clause, Art. I, Sec. 8, of the Constitution. In Buckley v. Valeo, 424 U.S. 1, 91 (1976), the Supreme Court upheld the congressional power to enact public financing of presidential elections under this Clause. The Supreme Court stated with regard to the provisions in the Federal Election Campaign Act Amendments of 1974 establishing a presidential public financing system, ''In this case, Congress was legislating for the 'general welfare'—to reduce the deleterious influence of large contributions on our political process, to facilitate communication by candidates with the electorate, and to free candidates from the rigors of fundraising.''

By Mr. POE of Texas:

H.R. 6449.

Congress has the power to enact this legislation pursuant to the following:

Amendment 4, clause 1, of the United States Constitution states that ''the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.''

By Mr. COSTELLO:

H.R. 6450.

Congress has the power to enact this legislation pursuant to the following:

Article one

By Mr. LANDRY:

H.R. 6451.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution, The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. LANDRY:

H.R. 6452.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution, The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of our United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. AMODEI:
H.R. 6453.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)

By Mrs. BIGGERT:
H.R. 6454.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18

By Ms. BROWN of Florida:
H.R. 6455.
Congress has the power to enact this legislation pursuant to the following:
Article 1, section 8 of the United States Constitution, this bill is authorized by Congress' power to provide for the common Defense and general Welfare of the United States.

By Mr. BUCSHON:
H.R. 6456.
Congress has the power to enact this legislation pursuant to the following:
Clause 3, of Section 8, of Article I.

By Mr. CARSON of Indiana:
H.R. 6457.
Congress has the power to enact this legislation pursuant to the following:
Article I, section 8, clause 1 of the United States Constitution grants Congress the implied power to provide grants to enhance the most effective freezing methods to improve access to affordable and locally produced specialty crops.

By Mr. CARSON of Indiana:
H.R. 6458.
Congress has the power to enact this legislation pursuant to the following:
Clause 1 of section 8 of Article 1 of the Constitution.

By Mr. CASSIDY:
H.R. 6459.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. ELLISON:
H.R. 6460.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 4

By Ms. FUDGE:
H.R. 6461.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1
The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. GARDNER:
H.R. 6462.
Congress has the power to enact this legislation pursuant to the following:
Clause 1, Section 8 of Article I of the United States Constitution which reads:
''The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States.''

By Mr. GINGREY of Georgia:
H.R. 6463.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 9, Clause 7, specifically, ''. . . a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.''

By Mr. HECK:
H.R. 6464.
Congress has the power to enact this legislation pursuant to the following:
The power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof.

By Mr. HUNTER:
H.R. 6465.
Congress has the power to enact this legislation pursuant to the following:
Article I, section 8, clause 4—''to establish laws of naturalization. . .''

By Mr. KISSELL:
H.R. 6466.
Congress has the power to enact this legislation pursuant to the following:
Commerce Clause: Article 1, Section 8, Clause 3

By Mr. LANGEVIN:
H.R. 6467.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3
Article I, Section 8, Clause 18

By Mr. MARKEY:
H.R. 6468.
Congress has the power to enact this legislation pursuant to the following:
Section 8 of Article I of the United States Constitution. ''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.''

By Mr. MCKEON:
H.R. 6469.
Congress has the power to enact this legislation pursuant to the following:
Article IV, Section 3, Clause 2: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. MULVANEY:
H.R. 6470.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 14. ''To make Rules for the Government and Regulation of the land and naval Forces.''
Article I, Section 8, Clause 18. ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''
This bill provides rules for the Government, specifically, for the Wildlife Services program of the Animal and Plant Health Inspection Service. This law is necessary and proper for carrying out the power to make rules for the proper operation of a division of the government of the United States.

By Mr. MURPHY of Connecticut:
H.R. 6471.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8

By Mr. NEAL:
H.R. 6472.
Congress has the power to enact this legislation pursuant to the following:
Clause 1 of Section 8 of Article I and the 16th Amendment to the U.S. Constitution.

By Mr. POSEY:
H.R. 6473.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 7 (power to establish Post Offices) and Article 1, Section 8, Clause 18 (the Necessary and Proper Clause).

By Mr. ROSS of Florida:
H.R. 6474.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8: ''The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.''

By Mr. RUPPERSBERGER:
H.R. 6475.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 Commerce Clause

By Ms. LINDA T. SÁNCHEZ of California:
H.R. 6476.
Congress has the power to enact this legislation pursuant to the following:
Article One of the United States Constitution, section 8, clause 18:
The Congress shall have Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof
or
Article One of the United States Constitution, Section 8, Clause 3:
The Congress shall have Power—To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;

By Mr. SIRES:
H.R. 6477.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8.

By Mr. YOUNG of Alaska:
H.R. 6478.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 1 of the United States Constitution.

Ms. KAPTUR:
H.R. 6479.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 4

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 192: Mr. SMITH of Washington, Mr. BACA, Mr. RUSH, Ms. BROWN of Florida, Mr. VAN HOLLEN, Ms. WILSON of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FUDGE, Mr. PRICE of North Carolina, Mr. ISRAEL, and Ms. BONAMICI.

H.R. 262: Mr. GOODLATTE.

H.R. 273: Mr. MCGOVERN, Mr. JOHNSON of Illinois, Ms. BONAMICI, Mr. PLATTS, Mr. GRIFFIN of Arkansas, and Mr. WOMACK.

H.R. 303: Mrs. NOEM.

H.R. 333: Mrs. NOEM.

H.R. 376: Mr. FITZPATRICK.
H.R. 640: Mr. MICHAUD.
H.R. 719: Mr. WALSH of Illinois.
H.R. 835: Mr. RICHMOND, Mr. BILBRAY, and Mr. COOPER.
H.R. 890: Ms. MCCOLLUM.
H.R. 1041: Mr. LONG.
H.R. 1066: Ms. BASS of California.
H.R. 1106: Mr. LANGEVIN, Mr. MCINTYRE, and Ms. DELAURO.
H.R. 1112: Mr. HULTGREN.
H.R. 1186: Mr. YODER.
H.R. 1206: Mr. ADERHOLT.
H.R. 1338: Mr. SCHIFF.
H.R. 1344: Mr. PERLMUTTER.
H.R. 1370: Mr. HALL, Mr. TURNER of New York, Mr. FARENTHOLD, Mr. JOHNSON of Illinois, Mr. PALAZZO, Mr. MANZULLO, Mr. AMODEI, Mr. JORDAN, Mrs. ADAMS, and Mr. NEUGEBAUER.
H.R. 1375: Ms. BROWN of Florida.
H.R. 1385: Mr. KIND.
H.R. 1397: Mr. RUSH and Ms. HAYWORTH.
H.R. 1418: Mr. THOMPSON of California.
H.R. 1426: Ms. MCCOLLUM.
H.R. 1449: Mr. ISSA.
H.R. 1639: Mr. DONNELLY of Indiana.
H.R. 1653: Mrs. BLACKBURN.
H.R. 1672: Mr. HASTINGS of Florida and Mr. COFFMAN of Colorado.
H.R. 1777: Mr. HENSARLING.
H.R. 2032: Mrs. LOWEY.
H.R. 2040: Mr. GRIFFITH of Virginia and Mr. DESJARLAIS.
H.R. 2086: Ms. BONAMICI.
H.R. 2108: Mr. HULTGREN.
H.R. 2134: Mr. COURTNEY.
H.R. 2135: Ms. BROWN of Florida.
H.R. 2316: Mr. COHEN.
H.R. 2367: Mr. REED.
H.R. 2402: Mrs. LUMMIS, Mr. POE of Texas, Mr. BRADY of Texas, Mr. GOODLATTE, Mrs. MCMORRIS RODGERS, and Mr. OLSON.
H.R. 2492: Mr. HECK, Mr. LOEBSACK, Mr. BILBRAY, and Mr. GARY G. MILLER of California.
H.R. 2600: Ms. LINDA T. SÁNCHEZ of California, Mr. ROGERS of Kentucky, Mr. BOREN, Mr. DAVID SCOTT of Georgia, and Ms. LORETTA SANCHEZ of California.
H.R. 2697: Mrs. BIGGERT.
H.R. 2704: Mrs. CHRISTENSEN, Mr. CLARKE of Michigan, and Mr. RANGEL.
H.R. 2721: Mr. HIGGINS.
H.R. 2831: Ms. ROS-LEHTINEN.
H.R. 3068: Mr. HERGER.
H.R. 3102: Mr. DEFAZIO.
H.R. 3238: Mr. KIND.
H.R. 3423: Mr. LONG, Mr. RUPPERSBERGER, Mr. LATTA, Mr. SOUTHERLAND, Mr. WEBSTER, Mr. BUCHANAN, Mr. MCDERMOTT, Mr. CLAY, Mr. STUTZMAN, and Mr. GIBBS.
H.R. 3497: Mr. BUCSHON, Ms. MCCOLLUM, Mr. RUNYAN, and Mr. DOLD.
H.R. 3526: Mr. MCINTYRE and Ms. DEGETTE.
H.R. 3586: Mr. HULTGREN.
H.R. 3619: Mr. CICILLINE.
H.R. 3625: Mr. MCGOVERN, Mr. CARSON of Indiana, and Mr. MARKEY.
H.R. 3627: Ms. BALDWIN.
H.R. 3656: Mr. HALL.
H.R. 3661: Mr. BENISHEK.
H.R. 3705: Mr. HOLT and Mr. SESSIONS.
H.R. 3712: Mr. BISHOP of New York.
H.R. 3831: Mr. KISSELL.
H.R. 4007: Mr. KING of New York.
H.R. 4165: Mr. BARROW.
H.R. 4170: Mr. LANGEVIN.
H.R. 4173: Mr. WELCH and Mr. RANGEL.
H.R. 4209: Mrs. CAPITO, Mr. DAVIS of Illinois, Mr. TOWNS, and Mr. MARKEY.
H.R. 4228: Mr. DUNCAN of South Carolina.
H.R. 4250: Mr. BARTLETT and Mr. CARNEY.
H.R. 4373: Mr. BISHOP of Utah, Mr. GRAVES of Missouri, and Mr. BLUMENAUER.
H.R. 4605: Mr. YOUNG of Alaska.
H.R. 5647: Ms. SCHWARTZ.
H.R. 5796: Mr. SHIMKUS.
H.R. 5845: Mr. KING of New York.
H.R. 5888: Mr. CASSIDY.
H.R. 5914: Mr. BURTON of Indiana and Mr. AMODEI.
H.R. 5937: Mr. ANDREWS, Mrs. MCMORRIS RODGERS, Mrs. MCCARTHY of New York, and Mr. RUNYAN.
H.R. 5943: Mr. DANIEL E. LUNGREN of California, Mr. KINZINGER of Illinois, Mr. DESJARLAIS, and Mr. AMODEI.
H.R. 5959: Mr. POLLS.
H.R. 5969: Mr. WITTMAN.
H.R. 5970: Mr. WITTMAN.
H.R. 5977: Mr. SHERMAN.
H.R. 5998: Mr. WITTMAN.
H.R. 6038: Mr. STARK, Mr. ROTHMAN of New Jersey, Ms. LEE of California, Ms. HAYWORTH, Mrs. BIGGERT, and Mr. THOMPSON of California.
H.R. 6087: Mr. MORAN.
H.R. 6092: Mr. HEINRICH.
H.R. 6097: Mr. NEUGEBAUER.
H.R. 6101: Mr. MICHAUD and Ms. MCCOLLUM.
H.R. 6107: Ms. CLARKE of New York and Mr. FORTENBERRY.
H.R. 6110: Mr. CRITZ and Mr. DEFAZIO.
H.R. 6149: Mr. GEORGE MILLER of California.
H.R. 6150: Mr. VAN HOLLEN.
H.R. 6151: Mr. COLE.
H.R. 6155: Mr. FILNER.
H.R. 6187: Mr. HASTINGS of Florida.
H.R. 6247: Mr. MCCLINTOCK and Mrs. NOEM.
H.R. 6273: Ms. BORDALLO.
H.R. 6275: Mr. POLIS.
H.R. 6310: Mr. HINCHEY, Ms. SUTTON, and Mr. LARSON of Connecticut.
H.R. 6335: Ms. WOOLSEY and Mr. PAUL.
H.R. 6342: Mr. GRIFFITH of Virginia.
H.R. 6345: Mr. LONG.
H.R. 6364: Mr. HUIZENGA of Michigan.
H.R. 6397: Mr. HENSARLING, Mrs. MYRICK, Mr. CANSECO, Mr. CALVERT, Mr. HUELSKAMP, Mr. CHABOT, Mr. ROSS of Florida, Mr. WALSH of Illinois, Mr. BURTON of Indiana, and Mr. BARTLETT.
H.R. 6409: Mr. GRIJALVA.
H.R. 6411: Mr. MCDERMOTT, Mr. GRIJALVA, and Mr. KUCINICH.
H.R. 6412: Ms. HANABUSA, Mr. DEUTCH, Ms. BORDALLO, Mr. NADLER, Ms. SLAUGHTER, Mr. PRICE of North Carolina, Mr. HIMES, Ms. BERKLEY, Mr. QUIGLEY, Ms. DEGETTE, Ms. NORTON, Mr. WAXMAN, Ms. BONAMICI, Mr. LEWIS of Georgia, Mr. THOMPSON of California, Mr. CONNOLLY of Virginia, Ms. TSONGAS, and Mr. LANGEVIN.
H.R. 6416: Mrs. NOEM, Mr. RUNYAN, Mr. DENHAM, and Mr. CANSECO.
H.R. 6418: Mr. GRAVES of Missouri, Mr. ROSS of Florida, Mr. WALSH of Illinois, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. ROE of Tennessee, Mr. GOHMERT, and Mr. WALBERG.
H.R. 6428: Mr. BISHOP of New York, Mr. SHERMAN, and Mr. CICILLINE.
H.R. 6429: Mr. BROUN of Georgia and Mr. BILIRAKIS.
H.R. 6438: Mr. WALSH of Illinois, Mrs. BIGGERT, Mr. GUINTA, Mr. RUNYAN, Mr. JOHNSON of Ohio, Mr. LOBIONDO, Mr. TERRY, Mrs. MYRICK, Mr. BILBRAY, Mr. WITTMAN, Mr. RIGELL, and Mr. LOEBSACK.
H.R. 6439: Mr. REICHERT.
H.J. Res. 110: Mr. POSEY and Mrs. NOEM.
H.J. Res. 115: Mr. COOPER.
H. Con. Res. 129: Mrs. CAPPS and Mr. FINCHER.
H. Res. 295: Mr. BILBRAY.
H. Res. 298: Mr. THOMPSON of California.
H. Res. 387: Mr. WALSH of Illinois.
H. Res. 682: Mr. CONNOLLY of Virginia, Mr. LYNCH, Mrs. MALONEY, and Mr. QUIGLEY.
H. Res. 716: Mr. MICHAUD.
H. Res. 732: Mr. GRIFFIN of Arkansas, Mr. CARTER, and Mr. LANKFORD.
H. Res. 745: Mr. FALEOMAVAEGA, Mr. SULLIVAN, Mr. ROYCE, Mr. MEEKS, Mr. GALLEGLY, Mr. ALEXANDER, Mrs. BLACKBURN, Mr. PALAZZO, Mr. CONAWAY, Mr. CUELLAR, Mr. LATTA, Mr. NUNNELEE, Mr. STEARNS, Mr. TERRY, Mr. TOWNS, Mr. MCCAUL, and Mrs. BONO MACK.
H. Res. 759: Mrs. CAPPS.
H. Res. 763: Mr. PITTS, Mrs. HARTZLER, and Mr. LANKFORD.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5864: Mr. MCNERNEY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

61. The SPEAKER presented a petition of Association of Pacific Island Legislatures, Guam, relative to Resolution No. 31-GA-10 supporting the Guam-NMI Visa-Waiver program to include Russia and China; to the Committee on the Judiciary.

62. Also, a petition of California State Lands Commission, California, relative to Resolution supporting H.R. 5831; to the Committee on Transportation and Infrastructure.